

## CONFERENCE COMMITTEE REPORT DIGEST FOR ESB 1

**Citations Affected:** IC 5-10.2-4-1.9; IC 5-10.3-6-8.8; IC 6-1.1-18.5-10.4; IC 6-1.1-18.5-21.5; IC 6-3.5-6-18.5; IC 8-1.5-5-32; IC 8-22-3-11.6; IC 15-3; IC 15-5-9; IC 32-26-4-2; IC 32-26-9; IC 34-30-2-58; IC 36-2-15-5; IC 36-3; IC 36-6; IC 36-8; IC 36-10-7.5-1.

**Synopsis:** Marion County government. Provides that in Marion County: (1) a township trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund are transferred to the consolidated city; (2) all assets, property rights, equipment, records, personnel, and contracts concerning a trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund are transferred to the consolidated city on January 1, 2007; and (3) that the indebtedness of a township regarding a township trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund is assumed or defeased by the consolidated city and property taxes imposed by the consolidated city for that indebtedness are exempt from the ad valorem property tax limits. Adjusts the maximum permissible property tax levies to take into account the transfer of duties. Reduces township boards in Marion County from seven to five members. Provides that after June 30, 2006: (1) a relative of a member of a board, committee, council, or commission or head of a department, an office, or an institution of a Marion County political subdivision may not be employed by the board, committee, council, commission, department, office, or institution or receive compensation as an employee from an appropriation; and (2) an individual may not be in a direct supervisory or subordinate relationship with a relative. Provides that compliance with the statute does not require the termination or reassignment of an employee of a political subdivision from a position held by the employee on and continuously after June 30, 2006. Consolidates the fire departments of the townships, fire protection territories, and the airport authority in Marion County into the fire department of the consolidated city if: (1) the legislative body of the consolidated city adopts an ordinance to consolidate the fire departments; (2) the mayor of the consolidated city approves the ordinance; and (3) a public question regarding the fire department consolidation is approved by the voters of the county (except voters in an excluded city) at the May 2007 primary election. Provides that if the consolidation is approved, it shall be effective January 1, 2008. Establishes a procedure for the fire department of an excluded city or town to be consolidated into the fire department of a

consolidated city if the legislative body of the excluded city or town and the city-county legislative body adopt substantially similar ordinances authorizing the consolidation. Requires the fire department of a consolidated city to establish, operate, and maintain emergency ambulance services in the fire district served by the consolidated fire department. Provides that if a consolidation ordinance is adopted and approved, the following two options shall be submitted to the voters in a public question: (1) One option must provide for a permanent metropolitan board of fire commissioners with certain powers and duties concerning the consolidated fire department. (2) The other option must provide for the consolidated fire department to be under the control and authority of the mayor as provided by law. The choice of which option shall be implemented shall be determined by the voters in a public question at the May 2007 election. Requires the mayor to propose a transition plan. Establishes the metropolitan board of fire commissioners (board). Requires the board to propose a transition plan. Specifies that if the board is not approved in the public question as a permanent board, the board expires. Provides that if a consolidated fire department is established, the consolidated fire department taxing district ("taxing district") is established in Marion County. Specifies that the taxing district consists of all territory in the county except territory of an excluded city that has not consolidated its fire department. Provides that if a consolidated fire department is established, employees, assets, and liabilities from the townships are transferred to the consolidated city. Provides that debt related to firefighting equipment or facilities that is issued by the townships before the consolidation shall be assumed by the consolidated city. Provides that the balances in any funds established by a township for any purpose are not transferred to the consolidated city. Provides that balances in a township's firefighting cumulative building and equipment fund on January 1, 2008, shall be transferred to a dedicated township fund and used to pay pension obligations under the 1937 firefighters' pension fund (if the township has any unfunded liability for that pension fund) and, if any balance remains after that transfer, the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the township before January 1, 2008. Specifies that the Emergency Services Education Center in Wayne Township and any related debt shall not be transferred to the consolidated city. Provides that the taxing district shall levy a property tax within the territory of the taxing district to pay for the following: (1) Providing fire protection services and emergency ambulance services within the territory of the taxing district and providing for the operation of the consolidated fire department. (2) Providing any equipment, buildings, or land necessary for the consolidated fire department and for providing fire protection services and emergency ambulance services within the territory of the taxing district. Provides that the tax revenue shall be deposited in a consolidated fire department fund. Specifies that the city controller shall administer the fund and is responsible for the issuance of warrants for payments from the fund. Provides that during the first four years after consolidation, the total property tax rate imposed by the taxing district in a township may not exceed the property tax rate imposed in the township for fire protection in the year preceding consolidation. Provides that property taxes to fund the pension obligation for members of the 1937 firefighters' fund who are employees or retired employees of the consolidated city when the consolidated fire department is established may be levied only by the existing fire special service district within the territory of the fire special service district and may not be levied by the taxing district. Establishes the initial maximum levy for the taxing district. Reduces the maximum levies of entities that are consolidated into the consolidated fire department. Provides that the property tax levy limits do not apply to property taxes imposed by the consolidated fire department taxing district to pay or fund: (1) any indebtedness of a township assumed by the consolidated city; and (2) any indebtedness issued by the consolidated city after the consolidated fire department is established to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services. Provides that a portion of the townships' county option income tax distributive shares are instead to be paid to the consolidated fire department taxing district. Establishes a firefighting cumulative building and equipment fund for the consolidated fire department. Specifies that in the case of a township or an excluded city that consolidates its fire

department: (1) the liability for the payment of pension obligations for members of the 1937 firefighters' pension fund who are employees or retired employees of the township or excluded city at the time of the consolidation remains with the township or excluded city; and (2) property taxes to fund that pension obligation may be imposed by the township or excluded city only within the township or excluded city. Creates a township review board in Marion County to review and make recommendations regarding: (1) township duties and the joint provision of services; and (2) fire protection services provided in the county. Provides that the board is abolished December 31, 2008. Provides that a full-time, fully paid firefighter of a fire department, fire protection district, or fire protection territory consolidated into the Indianapolis fire department is entitled to be employed as a full-time, fully paid firefighter of the Indianapolis fire department at not less than the same merit or permanent rank or an equivalent merit or permanent rank that the firefighter held on the later of the effective date of the bill or the date the firefighter fills a vacant position through a merit testing process. Specifies that the transfer of any real property from a township to the consolidated city under this subsection is subject to any easements, covenants, declarations, restrictions, or other terms and conditions included in the deed to the real property or included as a condition in the transfer of the real property to the township, including any requirements that the real property must continue to be owned and used by the township. Provides that in the case of a building or other property that is used by the township partially for fire protection services and partially for other purposes, the building or property is not transferred to the consolidated city, but the consolidated city may enter into a lease with the township for the portion of the property that is used for fire protection services. Makes a technical correction to an act passed in the 2006 session. Establishes a process to allow certain township employees to retire if the employees' particular departmental, occupational, or other classifications are terminated from township employment as a result of a fire department consolidation. Permits a township employee who is not vested in the public employees' retirement fund and is terminated from employment as the result of a fire department consolidation to elect to roll over a lump sum distribution from the fund to another retirement account or plan. Provides that in making decisions regarding hiring and employment, the consolidated city shall give a preference to a township employee who is terminated from employment with the township as the result of a fire department consolidation. Provides that the Marion County auditor (rather than the Indianapolis city controller) must record certain information concerning warrants issued by the auditor. Provides that the signature of the Marion County auditor may not be signed on, imprinted on, or affixed to a warrant for the payment of county or city funds without the approval of the auditor. Specifies that the Marion County auditor may take certain actions assigned by law to the auditor without the approval of the Indianapolis city controller. Specifies that the Marion County auditor is responsible for payroll functions and duties for all city and county departments, offices, and agencies, and the Indianapolis city controller may not perform these functions and duties, except as requested by the auditor. Provides that each elected county officer is responsible for establishing the human resources policies and personnel policies that apply to employees of the county officer, and that these policies may be established without the approval of any other person, except for city-county council approval of compensation of employees. **(This conference committee report does the following: (1) Adds the provisions from the Senate-passed version of Senate Bill 1 concerning: (a) reduction of the township boards in Marion County from seven members to five members; and (b) transfer of the township trustee's duties regarding parks and recreation, fences, detrimental weeds, and administration of the dog tax and dog fund to the consolidated city. (2) Makes the following changes to the fire consolidation portion of the bill: (a) Adds the provision making the consolidation contingent upon approval by the voters at a public question at the May 2007 primary election, and adds the provision concerning the May 2007 public question on whether the metropolitan board of fire commissioners or the mayor shall have authority over the consolidated fire department. (b) Requires the consolidation to be initiated by an ordinance adopted by the legislative body and approved by the mayor. (c) Provides that debt related**

to firefighting equipment or facilities (rather than all debt) that is issued by the townships before the consolidation shall be assumed by the consolidated city. (d) Provides that the balances in any funds established by a township for any purpose are not transferred to the consolidated city. (e) Establishes the process to allow certain township employees to retire if the employees' particular departmental, occupational, or other classifications are terminated from township employment as a result of a fire department consolidation and permitting a township employee who is not vested in the public employees' retirement fund and is terminated from employment as the result of a fire department consolidation to elect to roll over a lump sum distribution from the fund to another retirement account or plan. (f) Requires the consolidated city, when making hiring decisions, to give a preference to a township employee who is terminated from employment with the township as the result of a fire department consolidation. (g) Provides that the percentage of a township's county option income tax revenue that is instead paid to the consolidated fire department taxing district is equal to the percentage, if any, of the township's distributive shares received in the 2006 budget year that are used by the township for fire protection services. (k) Specifies that the transfer of any real property from a township to the consolidated city is subject to any easements, covenants, declarations, restrictions, or other terms and conditions included in the deed to the real property or included as a condition in the transfer of the real property to the township. (h) Specifies that in the case of a building or other property that is used by a township partially for fire protection services and partially for other purposes, the building or property is not transferred to the consolidated city, but the consolidated city may enter into a lease with the township for the portion of the property that is used for fire protection services. (3) Makes a technical correction to an act passed in the 2006 session. (3) Makes a technical correction to an act passed in the 2006 session.)

**Effective:** Upon passage; July 1, 2006; January 1, 2007.

## CONFERENCE COMMITTEE REPORT

**MADAM PRESIDENT:**

*Your Conference Committee appointed to confer with a like committee from the House upon Engrossed House Amendments to Engrossed Senate Bill No. 1 respectfully reports that said two committees have conferred and agreed as follows to wit:*

that the Senate recede from its dissent from all House amendments and that the Senate now concur in all House amendments to the bill and that the bill be further amended as follows:

- 1 Delete everything after the enacting clause and insert the following:
- 2 SECTION 1. IC 5-10.2-4-1.9 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 4 UPON PASSAGE]: **Sec. 1.9. (a) An employee of a township who:**
- 5 **(1) is a member of the public employees' retirement fund;**
- 6 **(2) has not attained vested status; and**
- 7 **(3) is terminated from employment with the township as the**
- 8 **result of a consolidation under IC 36-3-1-6.1;**
- 9 **may make the election described in subsection (b).**
- 10 **(b) A member described in subsection (a) may elect, in the**
- 11 **manner prescribed by the board of trustees of the public**
- 12 **employees' retirement fund, not later than sixty (60) days after the**
- 13 **date the member separates from township service, to receive from**
- 14 **the public employees' retirement fund a distribution under**
- 15 **subsection (c).**
- 16 **(c) This subsection applies to a member who elects under**
- 17 **subsection (b) to receive a distribution. The member is entitled to**
- 18 **receive a distribution that is equal to the present value, as**
- 19 **determined by the board on the member's separation date, of the**
- 20 **pension portion of the monthly retirement benefit computed as if**
- 21 **the member had been:**

(1) eligible for normal retirement; and  
 (2) at least sixty-five (65) years of age;  
 on the member's separation date, multiplied by a fraction. The numerator of the fraction is the number of months of creditable service earned by the member as an employee of the state before the member's separation date. The denominator of the fraction is one hundred twenty (120).

(d) To the extent permitted by the Internal Revenue Code, the distribution under subsection (c) must be made directly to any of the following designated by the terminating employee:

(1) An individual retirement account or annuity described in Section 408(a) or Section 408(b) of the Internal Revenue Code.

(2) A qualified plan described in Section 401(a) or Section 403(a) of the Internal Revenue Code.

(3) An annuity contract or account described in Section 403(b) of the Internal Revenue Code.

(4) An eligible plan that is maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or political subdivision of a state under Section 457(b) of the Internal Revenue Code.

(e) Creditable service used in computing a distribution under this section may not be used to compute a normal or early retirement benefit under this article.

(f) The board of trustees of the public employees' retirement fund may adopt reasonable procedures and standards to implement this section.

(g) This section applies only if the public employees' retirement fund has received from the Internal Revenue Service any approvals or rulings that the board of trustees of the public employees' retirement fund considers necessary or appropriate.

SECTION 2.IC 5-10.3-6-8.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8.8. (a) This section applies when employees of a township in particular departmental, occupational, or other definable classifications are terminated from employment with the township as a result of a consolidation under IC 36-3-1-6.1.

(b) The township executive shall request coverage under this section from the board whenever an employee of the township is terminated as described in subsection (a).

(c) The board must approve a request from the township executive under subsection (b) unless approval violates subsection (i), federal or state law, or the terms of the fund.

(d) As used in this section, "early retirement" means a member is eligible to retire with a reduced pension under IC 5-10.2-4-1, because the member:

(1) is at least fifty (50) years of age; and

(2) has at least fifteen (15) years of creditable service.

(e) As used in this section, "normal retirement" means a member

1 is eligible to retire under IC 5-10.2-4-1, because:

2 (1) the member is at least sixty-five (65) years of age and has  
3 at least ten (10) years of creditable service;

4 (2) the member is at least sixty (60) years of age and has at  
5 least fifteen (15) years of creditable service; or

6 (3) the member's age in years plus the member's years of  
7 service is at least eighty-five (85) and the member is at least  
8 fifty-five (55) years of age.

9 (f) The withdrawal of the employees described in subsection (a)  
10 from the fund is effective on a termination date established by the  
11 board. The board may not establish a termination date that occurs  
12 before all of the following have occurred:

13 (1) The township executive has requested coverage under this  
14 section and provided written notice of the following to the  
15 board:

16 (A) The intent of the township to terminate the employees  
17 from employment.

18 (B) The names of the terminated employees as of the date  
19 that the termination is to occur.

20 (2) The expiration of a thirty (30) day period following the  
21 filing of the notice with the board.

22 (3) The consolidated city complies with subsection (g).

23 (g) A member who is covered by subsection (f) and who, as of the  
24 date of the notice under subsection (f), is less than twenty-four (24)  
25 months from being eligible for normal or early retirement under  
26 IC 5-10.2-4-1 may elect to retire by purchasing the service credit  
27 needed for retirement under the following conditions:

28 (1) The consolidated city shall contribute to the fund an  
29 amount determined under IC 5-10.2-3-1.2 that is sufficient to  
30 pay the member's contributions required for the member's  
31 purchase of the service credit the member needs to retire.

32 (2) The maximum amount of creditable service that the  
33 consolidated city may purchase for a member under this  
34 subsection is twenty-four (24) months.

35 (3) The benefit for the member shall be computed under  
36 IC 5-10.2-4-4 using the member's actual years of creditable  
37 service plus all other service for which the fund gives credit,  
38 including the creditable service purchased under this  
39 subsection.

40 (h) The board shall evaluate each withdrawal under this section  
41 to determine if the withdrawal affects the fund's compliance with  
42 Section 401(a) of the Internal Revenue Code of 1954, as in effect on  
43 September 1, 1974. The board may deny an employee permission  
44 to withdraw if the denial is necessary to achieve compliance with  
45 Section 401(a) of the Internal Revenue Code of 1954, as in effect on  
46 September 1, 1974.

47 SECTION 3. IC 6-1.1-18.5-10.4 IS AMENDED TO READ AS  
48 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10.4. (a) The ad  
49 valorem property tax levy limits imposed by section 3 of this chapter do

not apply to ad valorem property taxes imposed by a township, a **county containing a consolidated city**, or a fire protection district under IC 36-8-14.

(b) For purposes of computing the ad valorem property tax levy limit imposed on a township or a fire protection district under section 3 of this chapter, the township's, **the county's**, or the fire protection district's ad valorem property tax levy for a particular calendar year does not include that part of the levy imposed under IC 36-8-14.

SECTION 4. IC 6-1.1-18.5-21.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 21.5. The ad valorem property tax levy limits imposed by this chapter do not apply to ad valorem property taxes imposed by the consolidated fire department taxing district established in IC 36-3-1-6.4 to pay or fund the following:**

(1) **Any indebtedness of a township, a fire protection territory, or an excluded city that is related to fire protection facilities or fire protection equipment and is assumed, defeased, paid, or refunded by the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3.**

(2) **Any indebtedness issued by the consolidated city to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.**

SECTION 5. IC 6-3.5-6-18.5, AS AMENDED BY P.L.234-2005, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 18.5. (a) This section applies to a county containing a consolidated city.

(b) Notwithstanding section 18(e) of this chapter, the distributive shares that each civil taxing unit in a county containing a consolidated city is entitled to receive during a month equals the following:

(1) For the calendar year beginning January 1, 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month multiplied by the following factor:

Center Township	.0251
Decatur Township	.00217
Franklin Township	.0023
Lawrence Township	.01177
Perry Township	.01130
Pike Township	.01865
Warren Township	.01359
Washington Township	.01346
Wayne Township	.01307
Lawrence-City	.00858
Beech Grove	.00845
Southport	.00025
Speedway	.00722
Indianapolis/Marion County	.86409

(2) Notwithstanding subdivision (1), for the calendar year

beginning January 1, 1995, the distributive shares for each civil taxing unit in a county containing a consolidated city shall be not less than the following:

Center Township	\$1,898,145
Decatur Township	\$164,103
Franklin Township	\$173,934
Lawrence Township	\$890,086
Perry Township	\$854,544
Pike Township	\$1,410,375
Warren Township	\$1,027,721
Washington Township	\$1,017,890
Wayne Township	\$988,397
Lawrence-City	\$648,848
Beech Grove	\$639,017
Southport	\$18,906
Speedway	\$546,000

(3) For each year after 1995, calculate the total amount of revenues that are to be distributed as distributive shares during that month as follows:

STEP ONE: Determine the total amount of revenues that were distributed as distributive shares during that month in calendar year 1995.

STEP TWO: Determine the total amount of revenue that the department has certified as distributive shares for that month under section 17 of this chapter for the calendar year.

STEP THREE: Subtract the STEP ONE result from the STEP TWO result.

STEP FOUR: If the STEP THREE result is less than or equal to zero (0), multiply the STEP TWO result by the ratio established under subdivision (1).

STEP FIVE: Determine the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for each civil taxing unit for the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

STEP SIX: If the STEP THREE result is greater than zero (0), the STEP ONE amount shall be distributed by multiplying the STEP ONE amount by the ratio established under subdivision (1).

STEP SEVEN: For each taxing unit determine the STEP FIVE ratio multiplied by the STEP TWO amount.

STEP EIGHT: For each civil taxing unit determine the difference between the STEP SEVEN amount minus the product of the STEP ONE amount multiplied by the ratio established under subdivision (1). The STEP THREE excess shall be distributed as provided in STEP NINE only to the civil taxing units that have a STEP EIGHT difference greater than or equal to zero (0).

STEP NINE: For the civil taxing units qualifying for a distribution under STEP EIGHT, each civil taxing unit's share equals the STEP THREE excess multiplied by the ratio of:

(A) the maximum permissible property tax levy under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for the qualifying civil taxing unit during the calendar year in which the month falls, plus, for a county, an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund; divided by

(B) the sum of the maximum permissible property tax levies under IC 6-1.1-18.5, IC 12-19-7, and IC 12-19-7.5 for all qualifying civil taxing units of the county during the calendar year in which the month falls, and an amount equal to the property taxes imposed by the county in 1999 for the county's welfare fund and welfare administration fund.

**(c) Except with respect to Center Township, if a consolidated fire department is established under IC 36-3-1-6.1, beginning with the calendar year following the consolidation and for each year thereafter, a percentage of the revenues to be distributed as distributive shares during each year to a township that has consolidated its fire department shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund. The percentage to be distributed to the consolidated fire department taxing district shall be equal to the percentage, if any, of the township's distributive shares received in the 2006 budget year that are used by the township for fire protection services.**

**(d) If Lawrence, Beech Grove, Southport, or Speedway consolidates its fire department into the consolidated fire department under IC 36-3-1-6.3, beginning with the calendar year following the consolidation and for each year thereafter, the monthly distributive share of county option income taxes distributed to Lawrence, Beech Grove, Southport, or Speedway, as applicable, shall be reduced by a percentage set forth in the ordinances adopted under IC 36-3-1-6.3, and those revenues shall instead be distributed to the consolidated fire department taxing district and deposited in the consolidated fire department taxing district fund.**

SECTION 6. IC 8-1.5-5-32, AS ADDED BY SEA 71-2006, SECTION 1, AND HEA 1212-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 32. (a) This section applies to excluded cities and towns in a county containing a consolidated city.

(b) A municipality to which this section applies may withdraw from the district established by the consolidated city if the municipal legislative body adopts an ordinance withdrawing the municipality from the district. The municipal legislative body shall, at least thirty (30) days before the final vote on the ordinance, mail written notice of the meeting to the following:

(1) All owners of lots and parcels within the municipality that are subject to storm water user fees imposed in the district by the department of public works of the consolidated city.

(2) The department of public works of the consolidated city.

(c) An ordinance described in subsection (b) takes effect sixty (60) days after adoption by the municipal legislative body.

(d) In addition to the notice required by subsection (b), if a municipal legislative body adopts an ordinance under subsection (b), the municipal legislative body shall mail written notice of the withdrawal from the district to the department of public works of the consolidated city not more than thirty (30) days after the ordinance becomes effective.

(e) If on the date of a municipality's withdrawal from the district there are bonds outstanding that have been issued by the board of public works of the consolidated city, the municipality is liable for and shall pay that indebtedness in the same ratio as the assessed valuation of the property in the municipality bears to the assessed valuation of all property included in the district on the date one (1) day before the date of withdrawal, as shown in the most recent assessment for taxation before the date of withdrawal.

(f) If a municipal legislative body adopts an ordinance under subsection (b), the ~~district~~ **municipality** is entitled to receive the following:

(1) An annual lump sum payment equal to the total amount of property taxes paid and allocated to the district's flood debt service fund from all property taxpayers within the municipality, to the extent the property taxes are not necessary to pay the indebtedness owed by the municipality under subsection (e). A payment under this subdivision is required for property taxes assessed beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(2) The total amount of storm water user fees collected by the department of public works of the consolidated city from the lots and parcels in the municipality beginning on the January 1 preceding the effective date of the municipality's withdrawal from the district.

(g) Payments received under subsection (f):

(1) shall be deposited by the municipality in a dedicated fund; and

(2) may be used by the municipality only for purposes of storm water management in the municipality and may not be diverted, directly or indirectly, in any manner to any use other than the purposes of storm water management in the municipality.

SECTION 7. IC 8-22-3-11.6, AS ADDED BY P.L.227-2005,  
SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 11.6. (a) This section applies only to an airport authority established for a county having a consolidated city.

If:

(1) the legislative body of the consolidated city ~~and the governing body of the airport authority may adopt substantially similar ordinances providing that~~ **adopts an ordinance under IC 36-3-1-6.1 providing that:**

(A) the fire department of the airport authority is consolidated into the fire department of the consolidated city ~~created by IC 36-3-1-6.1; and that~~

(B) the fire department of the consolidated city shall provide fire protection services for the airport authority; ~~if ordinances are adopted under this section;~~

**and the executive of the consolidated city approves the ordinance;**

(2) the legislative body of the consolidated city **adopts an ordinance under IC 36-3-1-6.1 adopting the transition plan and the executive of the consolidated city approves the ordinance; and**

(3) the consolidation is approved in the public question under IC 36-3-1-6.1;

the consolidation shall take effect on ~~the date agreed to by the legislative body of the consolidated city and the governing body of the airport authority in the ordinances: January 1, 2008, or a later effective date specified under IC 36-3-1-6.1.~~

SECTION 8. IC 15-3-4-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. (a) This section applies to a township in a county having a consolidated city.**

**(b) After December 31, 2006, the duties of a township trustee under this chapter shall be transferred to the consolidated city.**

SECTION 9. IC 15-3-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) As used in this chapter, "detrimental plant" includes Canada thistle (*cirsium arvense*), Johnson grass, sorghum alumun (*sorghum halrphense*), bur cucumber (*sicyos angulatus*), shattercane (*Sorghum bicolor* [L.] Moench spp. *drummondii* [Steud.] deWet), and, in residential areas only, noxious weeds and rank vegetation. The term does not include agricultural crops.

**(b) As used in this chapter, "fund" means:**

**(1) the township fund for a township in a county not having a consolidated city; or**

**(2) the appropriate fund of the consolidated city for a county having a consolidated city.**

~~(b)~~ (c) As used in this chapter, "person" means an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, the state, a political subdivision (as defined in IC 36-1-2-13), an agency of the state, or a political subdivision, or a group of those persons acting in concert.

**(d) As used in this chapter, "township trustee" or "trustee"**

means:

- (1) a township trustee for a township in a county not having a consolidated city; or
- (2) the consolidated city for a township in a county having a consolidated city.

(c) (e) A person owning or possessing real estate in Indiana shall destroy detrimental plants by cutting or mowing and, if necessary, by plowing, cultivating, or smothering, or by the use of chemicals in the bud stage of growth or earlier, to prevent those detrimental plants from maturing on any such real estate.

SECTION 10. IC 15-3-4-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) A township trustee who has reason to believe that detrimental plants may be on real estate may, after giving forty-eight (48) hours notice to the owner or person in possession of the property, enter the real estate to investigate.

(b) Except as provided in subsection (c), if the township trustee determines after investigating the property or by visual inspection without entering the property that a person has detrimental plants growing on real estate in ~~the a township~~ **that comprises all or a part of the township trustee's jurisdiction** that have not been destroyed as described in section 1 of this chapter, the ~~trustee of the township in which the real estate is located township trustee~~ shall notify, in writing, the owner or person in possession of the real estate to destroy the detrimental plants in a manner provided in section 1 of this chapter within five (5) days after the notice is given. If the detrimental plants are not destroyed as provided in section 1 of this chapter within five (5) days after notice is given, the trustee shall cause the detrimental plants to be destroyed in a manner seeming most practical to the trustee within three (3) additional days. The trustee may hire a person to destroy the detrimental plants. The trustee or the person employed to destroy the detrimental plants may enter upon the real estate where the detrimental plants are growing to destroy the detrimental plants, and are not civilly or criminally liable for damage to crops, livestock, or other property occurring while carrying out such work, except for gross negligence or willful or wanton destruction.

(c) If the county has established a county weed control board under IC 15-3-4.6 the township trustee may notify the county weed control board of the real estate containing detrimental plants, and the board shall either assume jurisdiction to control the detrimental plants or decline jurisdiction and refer the matter back to the township trustee. The county weed control board shall notify the township trustee of the board's decision.

(d) Notice required in subsection (a) or (b) may be given:

- (1) by mail, using certified mail; or
- (2) by personal service.

(e) Notice under subsection (d) is considered received by the owner or person in possession of the real estate:

- (1) if sent by mail, on the earlier of:
  - (A) the date of signature of receipt of the mailing; or

(B) three (3) business days after the date of mailing; or

(2) if served personally, on the date of delivery.

SECTION 11. IC 15-3-4-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) The township trustee may pay for the chemicals, work, and labor performed in cutting or destroying detrimental plants under this chapter at a rate per hour to be fixed by the township trustee commensurate with local hourly wages.

(b) In all cases in which the infestation of the land with detrimental plants is so great and widespread as in the opinion of the trustee to render such cutting or eradication by hand methods impractical, the trustee shall engage the necessary power machinery or equipment and may pay for the work at a rate per hour fixed by the township trustee commensurate with the local hourly rate.

(c) When the work has been performed, the person doing the work shall file an itemized bill for the work ~~in the office of~~ **with** the trustee, ~~of the township~~; and when the bill has been approved, the trustee shall pay the bill out of the ~~township~~ fund. The trustee ~~of the township~~ shall certify the cost or expense of the work, and the cost of the chemicals, adding to such bill twenty dollars (\$20) per day for each day that the trustee or the trustee's agent supervises the performance of the services required under this chapter as compensation for services, with a description of the real estate on which the labor was performed.

(d) The certified statement of costs prepared under subsection (c) shall be mailed using certificate of mailing to, or personally served on, the owner or person possessing the real estate. The certified statement shall be mailed to the auditor of state for any real estate owned by the state or to the fiscal officer of another municipality (as defined in IC 5-11-1-16) for real estate owned by the municipality. The statement shall request that the person pay the cost of performing the service under subsection (c) to the township trustee.

(e) If the owner or person in possession of the property does not pay the amount set forth in the statement within ten (10) days after receiving the notice under subsection (d), the township trustee shall file a copy of the certified statement in the office of the county auditor of the county where the real estate is located **or, if the township is in a county having a consolidated city, the office of the city controller.**

(f) The auditor **or the city controller** shall place the amount claimed in the certified statement on the tax duplicate of the real estate. Except as provided in subsections (j) through (l), the amount claimed shall be collected as taxes are collected.

(g) After an amount described in subsection (f) is collected, the funds shall be deposited in the ~~trustee's township funds fund~~ for use at the discretion of the trustee.

(h) If there is no money available in ~~a the township~~ fund for that purpose, ~~the township board~~ upon finding an emergency exists:

**(1) the township legislative body** shall act under IC 36-6-6-14(b) or IC 36-6-6-15; **or**

**(2) a consolidated city shall act under IC 36-3-4;**

to borrow a sum of money sufficient to meet the emergency.

(i) The trustee, when submitting estimates to the ~~township board~~ **legislative body** for action, shall include in the estimates an item sufficient to cover those expenditures.

(j) This subsection applies to real estate owned by the state. The auditor of state shall issue a warrant to pay the amount set forth in the certified statement of costs for real estate owned by the state and shall charge the appropriate fund for the amount.

(k) This subsection applies to real estate owned by a municipality (as defined in IC 5-11-1-16) other than the township **or a consolidated city**. The fiscal officer of the municipality shall make the necessary appropriation from the appropriate fund to pay the township **or the consolidated city** the amount set forth in the certified statement of costs for real estate owned by the municipality.

(l) This subsection applies to real estate that is exempt from property taxation. The owner of the tax exempt real estate shall pay the amount set forth in the certified statement of costs for the tax exempt real estate. If the owner of the tax exempt real estate fails to pay the amount required by this chapter, the owner is ineligible for the property tax exemption, and the department of local government finance shall deny the property tax exemption for the real estate.

SECTION 12. IC 15-3-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. Except as provided in section 3 of this chapter, the county auditor **or, if a township is in a county having a consolidated city, the city controller**, upon receiving and filing such trustee's certificate as prescribed in this chapter, shall immediately place said amounts on the tax duplicate of the county, and such amounts shall be due at the next tax paying time, and shall be collected for the proper township, ~~or~~ townships, **or consolidated city**, the same as other state, county, or township taxes are collected, including penalties, forfeitures, and sales, and when so collected shall be paid to the proper trustee and placed in the ~~township~~ fund.

SECTION 13. IC 15-3-4-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) A person who:

(1) knowingly allows detrimental plants to grow and mature on land owned or possessed by the person;

(2) knowing of the existence of detrimental plants on land owned or possessed by the person, fails to cut them down or eradicate them by chemicals each year, as prescribed in this chapter;

(3) having charge of or control over any highway, knowingly allows detrimental plants to grow or mature on the right-of-way of the highway, or, knowing of the existence of the detrimental plants fails to cut them down or eradicate them by chemicals, as prescribed in this chapter;

(4) having charge of or control over the right-of-way of a railroad or interurban company, knowingly allows detrimental plants to grow and mature thereon, or knowing of the existence of the

1 detrimental plants, fails to cut them down or eradicate them by  
 2 chemicals, as prescribed in this chapter; or  
 3 (5) knowingly sells Canada thistle (*cirsium arvense*) seed;  
 4 commits a Class C infraction. Each day this section is violated  
 5 constitutes a separate infraction.

6 (b) All judgments collected under this section shall be paid to the  
 7 trustee and placed in the ~~trustee's township funds fund~~ for use at the  
 8 discretion of the trustee **or the consolidated city.**

9 SECTION 14. IC 15-3-4-7 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 7. When the  
 11 annual budget is prepared, a sufficient amount shall be appropriated to  
 12 enable the township ~~officials~~ **trustee** to comply with this chapter.

13 SECTION 15. IC 15-3-4-8 IS AMENDED TO READ AS  
 14 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) The Purdue  
 15 University cooperative extension service shall provide technical  
 16 assistance to township trustees for the control of detrimental plants.

17 (b) All law enforcement agencies having jurisdiction in a township **or**  
 18 **a consolidated city** shall assist the township trustee in carrying out the  
 19 duties imposed on the trustee under this chapter.

20 SECTION 16. IC 15-3-4.6-3 IS AMENDED TO READ AS  
 21 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The weed  
 22 control board consists of the following members to be appointed by the  
 23 authorizing body:

24 (1) One (1) **member appointed as follows:**

25 **(A) In a county not having a consolidated city, a township**  
 26 **trustee of a township in the county.**

27 **(B) In a county having a consolidated city, the director of the**  
 28 **department of the consolidated city that is responsible for the**  
 29 **destruction of detrimental plants described in this chapter or**  
 30 **the director's designee.**

31 (2) One (1) soil and water conservation district supervisor.

32 (3) A representative from the agricultural community of the county.

33 (4) A representative from the county highway department or an  
 34 appointee of the county commissioners. ~~and~~

35 (5) A cooperative extension service agent from the county to serve  
 36 in non-voting advisory capacity.

37 Each board member shall be appointed for a term of four (4) years. All  
 38 vacancies in the membership of the board shall be filled for the  
 39 unexpired term in the same manner as initial appointments. The board  
 40 shall elect a chairman and a secretary. The members of the board are not  
 41 entitled to receive any compensation, but are entitled to such traveling  
 42 and other expenses as may be necessary in the discharge of their duties.  
 43 The board may appoint an executive director and employ necessary  
 44 technical, professional, and other assistants, and it shall fix the  
 45 qualifications, duties, and salaries of these employees subject to the  
 46 permission of the county council. The county highway supervisor and  
 47 the soil and water conservation district supervisor or employee serving  
 48 the county shall serve as inspectors for the board. They shall make  
 49 periodic inspections and report their findings to the board and the

executive director, if any.

SECTION 17. IC 15-3-5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. The Indiana department of transportation, railroads, drainage districts, township boards, **except township boards of townships in a county having a consolidated city**, public utilities, and other public and quasi-public corporations shall, between July 1 and September 15, do anything possible to restrict the growth and seed production of all Johnson grass growing on lands for which they are responsible in a municipality or township of this state.

SECTION 18. IC 15-5-9-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.5. As used in this chapter, "assessor" means:**

**(1) for a township located in a county not having a consolidated city:**

**(A) the township assessor elected under IC 36-6-5-1; or**

**(B) the township trustee who is required by law to act as the assessor for the township the trustee serves; or**

**(2) for a township located in a county having a consolidated city, the controller of the consolidated city or the controller's designee.**

SECTION 19. IC 15-5-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) The ~~township~~ assessor shall make a diligent census as to the number of dogs owned, harbored, or kept by any person. A person owning or harboring a dog shall pay immediately to the ~~township~~ assessor a tax for each dog owned, harbored, or kept on the same premises, whether owned by that person or some other person, as follows:

(1) Except as provided in subsection (d), for each neutered dog, two dollars (\$2).

(2) For each nonneutered dog, four dollars (\$4).

(3) For each additional dog, six dollars (\$6).

No dog under six (6) months of age is subject to any tax under this chapter. Whoever becomes the owner or harbored of a dog after the dog census by the ~~township~~ assessor or any owner or harbored of a dog for which for any reason the assessor failed to collect the tax, shall, within thirty (30) days after becoming the owner or harbored of a dog, apply to the assessor or the assessor's designee, pay the required fee, and procure a tag for the dog.

(b) Dogs kept in kennels for breeding, boarding, or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay a kennel license fee according to the following schedule:

(1) For a major kennel, consisting of fifteen (15) or more dogs, a fee of thirty dollars (\$30).

(2) For a minor kennel, consisting of less than fifteen (15) dogs, a fee of twenty dollars (\$20).

For each individual dog tag or kennel license issued under this chapter,

the ~~township~~ assessor (~~or trustee who collects the fee~~) shall retain from the fee described in this section, an administrative fee of fifty cents (\$0.50). Administrative fees collected by ~~the an~~ assessor **other than a township trustee** shall be deposited in the county general fund, and administrative fees collected by ~~the a township~~ trustee shall be deposited in the township general fund.

(c) Upon the payment of the license fee required by subsection (b), the ~~township~~ assessor shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in such kennel. The license shall be dated and numbered and shall bear the name of the county issuing it and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within thirty (30) days after becoming the owner, apply to the ~~township~~ assessor, township trustee, or assessor's designee and, upon payment of the required fee, procure a license and a metallic tag for all dogs kept in the kennel.

(d) A county council may increase the tax on neutered dogs imposed under subsection (a) from two dollars (\$2) to three dollars (\$3).

(e) ~~A township An assessor (or a township trustee who has the duties of a township assessor)~~ may designate one (1) or more licensed veterinarians or humane societies in the assessor's township **or county, as the case may be**, to collect the dog taxes and kennel license fees and issue the licenses under this chapter. A designee may retain seventy-five cents (\$0.75) as a fee for that service and remit the balance of the money collected to the ~~township trustee assessor who designated the designee~~ by the tenth day of each month. As used in this subsection, "humane society" includes an animal shelter, animal control center, or other animal impounding facility that has as its purpose the humane treatment of animals.

SECTION 20. IC 15-5-9-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The ~~township~~ assessor shall give to each person a receipt for the money paid the assessor, which shall be designated for dog tax. The receipt shall show the person's name who owns, harbors, or keeps the dog, the amount paid, and the number, description, and kind of dogs paid for, whether male or female, and the number of each. The receipt relieves the person owning, keeping, or harboring dogs for the current year, extending one (1) year from its date. The assessor shall keep a record of persons owning dogs subject to taxation and a record of the dogs paid for. The assessor shall keep a stub record or copy of the receipts given for money paid as dog tax. The stub record shall show the amount paid, the number of dogs, both male and female, paid for, and the person's name owning the dogs paid for. At the time when the receipt is issued to the person, the assessor shall give to the person a tag, which shall be attached to the collar worn by the dog.

(b) Before July 1 each year, the ~~township~~ assessor, **except an assessor in a county having a consolidated city**, shall turn over to the township trustee all the records kept by the assessor relating to the

collecting and payment of dog taxes and kennel license fees, and a copy of all receipts given by the assessor to persons having paid dog taxes and kennel license fees, and all money received by the assessor as dog taxes, and all tags left in the assessor's possession. The assessor shall assess against each person who failed to pay to the assessor the amount of any license fee owed by the person, and the amount of the license fees shall be placed upon the tax duplicate by the county auditor and collected as taxes are collected.

(c) From July 1 each year until March 1 of the next year, the ~~township trustee assessor~~ shall receive any license fees subject to be paid under this chapter and issue any licenses under this chapter that may be received or issued by the ~~township~~ assessor under this chapter.

SECTION 21. IC 15-5-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **This section does not apply to a township in a county having a consolidated city or to a consolidated city.** The ~~township~~ assessor shall, before July 1 each year, report the amount collected as dog tax and kennel license fees to the county auditor. The dog taxes and kennel license fees collected by ~~the an~~ assessor shall be turned over by the assessor to the township trustee of the assessor's township. The county auditor shall make a record of the same, and charge the amount stated in the report against the township trustee as receipts from the county dog fund.

SECTION 22. IC 15-5-9-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 4. (a) Each ~~township~~ assessor shall perform the duties imposed by this chapter. If a dog owner has failed to turn in a dog for taxation purposes, the assessor shall notify the owner that the assessor is listing the unpaid taxes within a period of ten (10) days, at which time the person will be assessed double the amount of taxes provided by this chapter unless the person owning the dog appears voluntarily within the ten (10) days and:

- (1) proves to the satisfaction of the assessor that the person owned no such dog at the time the census was made; or
- (2) makes an affidavit to be kept on file by the assessor to the effect that the failure to report a dog for taxation was not intentional and was not purposely omitted for the purpose of avoiding payment of taxes.

(b) Each assessor shall keep a complete list of all dogs subject to the tax under this chapter together with the names of their owners on record in the assessor's office at all times and available to the public. If any person shall acquire, own, harbor, or keep any dog after the assessor has completed the census, the person shall report the dog to and pay to the assessor the amount of dog tax as provided in this chapter and receive a receipt and tag for the payment. The receipt and tag exempts the person from further payment of dog tax on dogs described in the receipt for one (1) year from the date of the receipt.

SECTION 23. IC 15-5-9-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. ~~A township An~~ assessor ~~or~~ assessor's designee ~~or township trustee~~ who:

- (1) fails to perform the duties imposed by this chapter; or

(2) fails to make a complete report within the time specified in this chapter;  
commits a Class C infraction.

SECTION 24. IC 15-5-9-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 6. Every person liable to taxation in any township and residing in the township when listed for taxation shall make and subscribe to an oath to the ~~township~~ assessor in which the person states the number of dogs neutered or unneutered over the age of six (6) months and owned or harbored by the person.

SECTION 25. IC 15-5-9-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 8. (a) All money derived by the taxing of dogs under this chapter shall constitute a fund known as the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund** that the township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city,** shall use in the manner provided in this chapter for the payment of the following:

(1) Damages, less insurance proceeds, sustained by owners of the following stock, fowl, or game killed, maimed, or damaged by dogs:

(A) Sheep.

(B) Cattle.

(C) Horses.

(D) Swine.

(E) Goats.

(F) Mules.

(G) Chickens.

(H) Geese.

(I) Turkeys.

(J) Ducks.

(K) Guineaas.

(L) Tame rabbits.

(M) Game birds and game animals held in captivity under authority of a game breeder's license issued by the department of natural resources.

(N) Bison.

(O) Farm raised cervidae.

(P) Ratitae.

(2) The expense of taking the Pasteur treatment for hydrophobia incurred by any person bitten by or exposed to a dog known to have hydrophobia. ~~within any township of Indiana.~~

(b) Any person requiring the treatment described in subsection (a)(2) may select the person's own physician.

(c) No damages shall be assessed or paid under this chapter on sheep except where individual damage exists or is shown.

(d) This subsection applies to a county whose legislative body has acted under this subsection. A county legislative body may designate by ordinance one (1) humane society located in that county to receive fifty

cents (\$0.50) from each dog tax payment collected under this chapter.

(e) A humane society designated under subsection (d) shall use the funds disbursed to the society to maintain an animal shelter.

(f) If a county does not designate a humane society to receive payments under subsection (d), those amounts remain in the township dog fund **or, in the case of a county having a consolidated city, the county dog fund.**

SECTION 26. IC 15-5-9-9.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 9.1. (a) In order to qualify for payment for damages by a township trustee **or, in the case of a township located in a county having a consolidated city, the controller of the consolidated city** under this chapter, the owner of stock, fowl, or game listed in section 8(a)(1) of this chapter killed, maimed, or damaged by dogs shall do the following:

(1) Not more than seventy-two (72) hours after the time of the loss, notify one (1) of the following having jurisdiction in the location where the loss occurred:

(A) A law enforcement officer.

(B) An officer of a county or municipal animal control center, shelter, or similar impounding facility.

(2) Within twenty (20) days from the time of the loss, report the loss to the trustee **of his township of the owner's township or, in a township located in a county having a consolidated city, to the controller of the consolidated city** as follows:

(A) Under oath, the owner shall state:

(i) the number, age, and value of the stock, fowl, or game; and

(ii) the damages, less any insurance proceeds, sustained.

(B) In an affidavit, the owner must be joined by two (2) disinterested and reputable freeholders residing in the township in which the stock, fowl, or game were killed, maimed, or damaged. The affidavit must state that the freeholders are:

(i) disinterested; and

(ii) not related by blood or marriage to the claimant.

(C) No appraisal may exceed the actual cash value of the stock, fowl, or game. As it applies to ratitae, cash value is no more than the slaughter value.

(D) The owner shall provide verification of the loss by an officer under subdivision (1).

(E) No loss shall be paid for property owned by a claimant on the last property tax assessment date if the property was not reported by the owner for assessment purposes at that time.

(b) An officer who receives notice under subsection (a)(1) shall visit the scene of the loss, verify the loss in writing, and mark the animal so that the animal can support only one (1) claim under this chapter.

SECTION 27. IC 15-5-9-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 10. (a) The ~~trustees township trustee~~ **trustee or the controller of the consolidated city** shall register and pay damages for all losses in the order in which the losses are reported.

(b) A person may not receive payment from the trustee **or the controller of the consolidated city** for stock, fowl, or game listed in section 8(a)(1) of this chapter:

- (1) that are killed, maimed, or damaged by any dog or dogs owned or harbored by that person;
- (2) for which the person received from another person an amount equal to the actual damages; or
- (3) for which the owner has not complied with section 9.1 of this chapter.

(c) When rabies shall develop in any stock, fowl, or game listed in section 8(a)(1) of this chapter, however contracted, and when the existence of such disease shall be proven by:

- (1) laboratory diagnosis, made in the laboratory of the state department of health, or some other laboratory maintained by state, county, or municipal funds; or

(2) affidavit of an attending legally qualified graduate veterinarian; the owner of such animal with rabies shall be entitled to recover in the same amount and manner as provided in sections 8 and 9.1 of this chapter.

(d) Whenever any dog not accompanied by the dog's owner or owner's agent is suspected of having rabies and found roaming at large, and the dog dies or is destroyed on said account, the **township trustee or controller of the consolidated city** shall do the following:

- (1) Remove or have removed the head of the dog.
- (2) Pay from the township dog fund **or, in the case of a township located in a county having a consolidated city, the county dog fund**, the following:
  - (A) A reasonable fee for the removal of the dog's head.
  - (B) All charges for transporting the head to a laboratory maintained by state, county, or municipal funds. If no money is available in the **appropriate** dog fund, ~~of the township~~, then such necessary fees shall be paid out of the township **general fund or, in the case of a township located in a county having a consolidated city, the county general fund**, without appropriations having been made.

(e) On the first Monday of March of each year, the township shall transfer the following to the county treasurer:

- (1) Any funds in a township dog fund designated for a humane society under section 8 of this chapter.
- (2) Any amount in a township dog fund exceeding three hundred dollars (\$300) over and above orders drawn on the fund.

(f) The funds transferred to the county treasurer under subsection (e) shall be deposited in the county dog fund. On the second Monday in March of each year, the money in the county dog fund shall be distributed as follows:

- (1) **Except for a township located in a county having a consolidated city**, among the townships of the county in which the orders drawn against the dog fund exceed the money on hand.
- (2) To a humane society designated under section 8 of this chapter.

(g) If the funds in the county dog fund, after any distribution to a designated humane society, are insufficient to pay for all stock, fowl, or game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships in the county, the distribution shall be made, **except in a township located in a county having a consolidated city**, in the ratio of the orders drawn against the dog fund of the townships and unpaid and unprovided for. The ratio shall be obtained from the report of the trustees of the townships made to the auditor of the county.

(h) The report under subsection (g) shall be made by each township trustee of the county upon the first Monday of March of each year and must show the following:

(1) All receipts into the dog fund of the township.

(2) All orders drawn against the township fund in the order in which the orders were drawn.

(i) If the funds in the dog fund of any township and the share of the county dog fund distributed to such township during any year **or, in the case of a township located in a county having a consolidated city, the county dog fund**, are insufficient to pay for all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs in such township **or county, as the case may be**, during such year, any such losses registered and any orders drawn which are unpaid and unprovided for shall be paid out of the state dog account.

(j) If upon the first Monday in May of any year there is a surplus left of the county dog fund after provisions have been made for the payment of all stock, fowl, and game listed in section 8(a)(1) of this chapter that are killed, maimed, or damaged by dogs of all the townships of the county and the distribution to any designated humane society, the surplus shall be:

(1) paid to the auditor of state; and

(2) placed in a separate account of the general fund of the state treasury known as the state dog account.

SECTION 28. IC 15-5-9-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 11. On or before the first day of May of each year, the trustee of each township shall make a report in writing, to the county auditor, of the amount of all claims in ~~his~~ **the trustee's** township for livestock, fowls, or game which have been destroyed or damaged by dogs, and which claims have been filed before March 9, 1937, or which may be filed thereafter but have not been paid for lack of funds. On or before the second Monday in May of each year, the auditor of each county, **or, in a county having a consolidated city, the controller of the consolidated city**, shall make a report, in writing, to the auditor of state, in such form as the auditor of state shall prescribe, of the amount of all such claims in ~~his~~ **the** county which have been filed and which have not been paid for lack of funds, and on or before the second Monday in July, the auditor of state shall issue ~~his~~ **the auditor's** warrant, payable to the auditor of each such county **or, in a county having a consolidated city, the controller of the consolidated city**, for the amount of the unpaid claims. The

warrant shall be drawn on the state dog account. Upon the receipt of the money, the auditor of the county **or, in a county having a consolidated city, the controller of the consolidated city**, shall distribute the funds to the respective townships of ~~his~~ **the** county entitled thereto **or, in the case of a county having a consolidated city, to the appropriate fund of the consolidated city**, and the trustee of the township **or controller of a consolidated city** shall pay all unpaid claims of ~~his~~ **the** township **or county** in the order in which the claims were filed. If in any year there is not sufficient money in the state dog account to pay all of the claims, the auditor of state shall make such distribution, as near as practicable, in proportion to the aggregate value of livestock, fowls, or game for the destruction of which or the damage to which claims have been filed in the respective counties, and the county auditor, **except in a county having a consolidated city**, shall distribute the money so received to the several townships in the same proportion. All money in excess of fifty thousand dollars (\$50,000) remaining in the state dog account, after such annual distribution shall have been made as hereinbefore provided, shall be distributed by the auditor of state in the manner following:

(~~a~~) **(1)** One-half (1/2) of such excess or one hundred thousand dollars (\$100,000) of such excess, whichever sum is the lesser, shall be distributed to Purdue University for the School of Veterinary Science and Medicine to be used solely for canine disease research.

(~~b~~) **(2)** The balance remaining of such excess, after the distribution to Purdue University is made as hereinbefore provided, shall be distributed to the general fund of each county in direct proportion to the total amount of money paid into the dog account on the second Monday in May by the county prior to the distribution.

Of the funds returned to the respective counties the county may, with the approval of the county commissioners and the county council, construct dog pounds within said counties.

SECTION 29. IC 15-5-9-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 12. (a) At the time when the dog kennel license fee is paid to the ~~township~~ assessor, the assessor, at the time when the assessor issues a receipt, shall likewise furnish to the person a metal tag. The metal tag furnished shall be attached securely to the collar of the dog for which the license fee has been paid, and the collar, with the tag attached, shall be worn continuously by the dog.

(b) All license tags shall be of uniform design or color for any one (1) year, but the same color or shape shall not be used for any two (2) consecutive years. All tags shall be designed by the auditor of state, shall be paid for out of the state dog account, and shall be manufactured at the state prison in the same manner as motor vehicle registration plates. Each tag shall have a distinct number, and the number of the tag shall appear on the receipt issued to the owner of the dog.

(c) If any dog tag is lost, it shall be replaced without cost by the assessor upon application by the owner of the dog and upon the

1 production of the receipt and a sworn statement of the facts regarding  
2 the loss of the tag. No license tag is transferable to another dog.

3 SECTION 30. IC 32-26-4-2 IS AMENDED TO READ AS  
4 FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 2. (a) The trustee  
5 of each township, the county highway superintendent, the Indiana  
6 department of transportation, or other officer in control of the  
7 maintenance of a highway shall between January 1 and April 1 of each  
8 year, examine all hedges, live fences, natural growths along highways,  
9 and other obstructions described in section 1 of this chapter in their  
10 respective jurisdictions. **However, in a county having a consolidated**  
11 **city, the duties and obligations of a township trustee under this**  
12 **chapter are the responsibility of the consolidated city.** If there are  
13 hedges, live fences, other growths, or obstructions along the highways  
14 that have not been cut, trimmed down, and maintained in accordance  
15 with this chapter, the owner shall be given written notice to cut or trim  
16 the hedge or live fence and to burn the brush trimmed from the hedge or  
17 live fence and remove any other obstructions or growths.

18 (b) The notice required under subsection (a) must be served by  
19 reading the notice to the owner or by leaving a copy of the notice at the  
20 owner's usual place of residence.

21 (c) If the owner is not a resident of the township, county, or state  
22 where the hedge, live fence, or other obstructions or growth is located,  
23 the notice shall be served upon the owner's agent or tenant residing in  
24 the township, **county, or state.** If an agent or a tenant of the owner does  
25 not reside in the township, the notice shall be served by mailing a copy  
26 of the notice to the owner, directed to the owner's last known post office  
27 address.

28 (d) If the owner, agents, or tenants do not proceed to cut and trim the  
29 fences and burn the brush trimmed from the fences or remove any  
30 obstructions or growths within ten (10) days after notice is served, the  
31 township trustee, **consolidated city**, county highway superintendent, or  
32 Indiana department of transportation shall immediately:

- 33 (1) cause the fences to be cut and trimmed or obstructions or  
34 growths removed in accordance with this chapter; and
- 35 (2) burn the brush trimmed from the fences.

36 All expenses incurred under this subsection shall be assessed against  
37 and become a lien upon the land in the same manner as road taxes.

38 (e) The township trustee, **consolidated city**, county highway  
39 superintendent, or Indiana department of transportation having charge  
40 of the work performed under subsection (d) shall prepare an itemized  
41 statement of the total cost of the work of removing the obstructions or  
42 growths and shall sign and certify the statement to the county auditor of  
43 the county in which the land is located. The county auditor shall place  
44 the statement on the tax duplicates. The county treasurer shall collect  
45 the costs entered on the duplicates at the same time and in the same  
46 manner as road taxes are collected. The treasurer may not issue a receipt  
47 for road taxes unless the costs entered on the duplicates are paid in full  
48 at the same time the road taxes are paid. If the costs are not paid when  
49 due, the costs shall become delinquent, bear the same interest, be

subject to the same penalties, and be collected at the same time and in the same manner as other unpaid and delinquent taxes.

SECTION 31. IC 32-26-9-0.6 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.6. As used in this chapter, "township" means:**

- (1) a township in a county not having a consolidated city; or**
- (2) the consolidated city for a township located in a county having a consolidated city.**

SECTION 32. IC 32-26-9-0.7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: **Sec. 0.7. As used in this chapter, "township trustee" or "trustee" means:**

- (1) a township trustee for a township in a county not having a consolidated city; or**
- (2) the consolidated city for a township in a county having a consolidated city.**

SECTION 33. IC 32-26-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. (a) A partition fence shall be built, rebuilt, and kept in repair at the cost of the property owners whose properties are enclosed or separated by the fences proportionately according to the number of rods or proportion of the fence the property owner owns along the line of the fence, whether the property owner's title is a fee simple or a life estate.

(b) If a property owner fails or refuses to compensate for building, rebuilding, or repairing the property owner's portion of a partition fence, another property owner who is interested in the fence, after having built, rebuilt, or repaired the property owner's portion of the fence, shall give to the defaulting property owner or the defaulting property owner's agent or tenant twenty (20) days notice to build, rebuild, or repair the defaulting property owner's portion of the fence. If the defaulting property owner or the defaulting property owner's agent or tenant fails to build, rebuild, or repair the fence within twenty (20) days, the complaining property owner shall notify the township trustee of the township in which the properties are located of the default.

(c) This subsection applies if the fence sought to be established, rebuilt, or repaired is on a township line. Unless disqualified under subsection (h), the complaining property owner shall notify the trustee of the township in which the property of the complaining property owner is located of the default under subsection (b), and the trustee has jurisdiction in the matter.

(d) The township trustee who receives a complaint under this section shall:

- (1) estimate the costs for building, rebuilding, or repairing the partition fence; and
- (2) within a reasonable time after receiving the complaint, make out a statement and notify the defaulting property owner of the probable cost of building, rebuilding, or repairing the fence.

If twenty (20) days after receiving a notice under this subsection the

defaulting property owner has not built, rebuilt, or repaired the fence, the trustee shall build or repair the fence. The trustee may use only the materials for the fences that are most commonly used by the farmers of the community.

(e) If the trustee ~~of a township~~ is disqualified to act under subsection (h), the trustee of an adjoining township who resides nearest to where the fence is located shall act on the complaint upon receiving a notice by a property owner who is interested in the fence.

(f) A lawful partition fence is any one (1) of the following that is sufficiently tight and strong to hold cattle, hogs, horses, mules, and sheep:

(1) A straight board and wire fence, a straight wire fence, a straight board fence, or a picket fence four (4) feet high.

(2) A straight rail fence four and one-half (4 1/2) feet high.

(3) A worm rail fence five (5) feet high.

(g) This subsection applies if a ditch or creek crosses the division line between two (2) property owners, causing additional expense in the maintenance of the part over the stream. If the property owners cannot agree upon the proportionate share of each property owner, the township trustee shall appoint three (3) disinterested citizens who shall apportion the partition fence to be built by each property owner.

(h) If a township trustee is:

(1) related to any of the interested property owners; or

(2) an interested property owner;

the ~~trustee of any other township who resides nearest to where the fence is located shall~~ **township shall appoint another official to** act under this chapter.

(i) This subsection applies if a ditch or creek forms, covers, or marks the dividing line or a part of the dividing line between the properties of separate and different property owners so that partition fences required under this chapter cannot be built and maintained on the dividing line. The partition fences shall be built and maintained under this chapter as near to the boundary line as is practical, and each property owner shall build a separate partition fence on the property owner's property and maintain the fence at the property owner's cost.

(j) This subsection applies where a partition fence required under this chapter crosses a ditch or creek and it is impracticable to construct or maintain that portion of the fence that crosses the ditch or creek as a stationary fence. Instead of the portion of the fence that would cross the ditch or creek, there shall be constructed, as a part of the partition fence, floodgates or other similar structures that are sufficiently high, tight, and strong to turn hogs, sheep, cattle, mules, and horses or other domestic animals. The floodgates or other similar structures shall be constructed to swing up in times of high water and to connect continuously with the partition fences.

(k) This subsection applies if the building and maintenance of the floodgates or other similar structure required under subsection (j) causes additional expenses and the property owners cannot agree upon the character of floodgates or other similar structure, or upon the

proportionate share of the cost to be borne by each property owner. The township trustee, upon notice in writing from either property owner of a disagreement and the nature of the disagreement, shall appoint three (3) disinterested citizens of the township who shall determine the kind of structure and apportion the cost of the floodgate or other structure between the property owners, taking into consideration the parts of the fence being maintained by each property owner.

(l) The determination of a majority of the arbitrators of any matter or matters submitted to them under this section is final and binding on each property owner. The compensation of the arbitrators is two dollars (\$2) each, which shall be paid by the property owners in the proportion each property owner is ordered to bear the expense of a gate or structure.

(m) This subsection applies if either or both of the property owners fail to construct or compensate for constructing the structure determined upon by the arbitrators in the proportion determined within thirty (30) days after the determination. The township trustee shall proceed at once to construct the gate or structure and collect the cost of the gate or structure, including the compensation of the arbitrators, from the defaulting property owner in the same manner as is provided for ordinary partition fences. The floodgate or other structure shall be repaired, rebuilt, or replaced according to the determination of the arbitrators.

SECTION 34. IC 34-30-2-58 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 58. IC 15-3-4-2 (Concerning township trustees, **a consolidated city**, or persons hired by them for the removal of detrimental plants upon another person's real property).

SECTION 35. IC 36-2-9.5-10, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 10. (a) The county auditor shall examine and settle all accounts and demands that are:

- (1) chargeable against the county or city; and
- (2) not otherwise provided for by statute.

(b) The county auditor shall issue warrants on the county or city treasury for:

- (1) sums of money settled and allowed by the county auditor;
- (2) sums of money settled and allowed by another official; or
- (3) settlements and allowances fixed by statute;

and shall make the warrants payable to the person entitled to payment. The warrants shall be numbered progressively, and the ~~controller~~ **county auditor** shall record the number, date, amount, payee, and purpose of issue of each warrant at the time of issuance.

SECTION 36. IC 36-2-9.5-13, AS ADDED BY P.L.227-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The county auditor is responsible for the issuance of warrants for payments from county and city funds. **The signature of the county auditor may not be signed on, imprinted on, or affixed to any warrant for the payment of**

**county or city funds without the approval of the county auditor.**

(b) The county auditor is responsible for:

- (1) accounting;
- (2) payroll, accounts payable, and accounts receivable;
- (3) revenue and tax distributions; and
- (4) maintenance of property records;

for all city and county departments, offices, and agencies.

**(c) The county auditor may take actions necessary to carry out the functions under subsection (b) without the approval of the controller of the consolidated city.**

SECTION 37. IC 36-2-15-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 5. (a) The county assessor shall perform the functions assigned by statute to the county assessor, including the following:

- (1) Countywide equalization.
- (2) Selection and maintenance of a countywide computer system.
- (3) Certification of gross assessments to the county auditor.
- (4) Discovery of omitted property.

(b) The county assessor shall perform the functions of an assessing official under IC 36-6-5-2 in a township with a township assessor-trustee if the township assessor-trustee:

- (1) fails to make a report that is required by law;
- (2) fails to deliver a property tax record to the appropriate officer or board;
- (3) fails to deliver an assessment to the county assessor; or
- (4) fails to perform any other assessing duty as required by statute or rule of the department of local government finance;

within the time period prescribed by statute or rule of the department or within a later time that is necessitated by reason of another official failing to perform the official's functions in a timely manner.

(c) A township with a township trustee-assessor may, with the consent of the township board, enter into an agreement with:

- (1) the county assessor; or
- (2) another township assessor in the county;

to perform any of the functions of an assessing official. A township trustee-assessor may not contract for the performance of any function for a period of time that extends beyond the completion of the township trustee-assessor's term of office.

**(d) In a county having a consolidated city, the controller of the consolidated city or the controller's designee shall administer the dog tax and township dog fund as prescribed by IC 15-5-9.**

SECTION 38. IC 36-3-1-6.1, AS AMENDED BY HEA 1040-2006, SECTION 560, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.1. (a) ~~This section applies only in a county containing a consolidated city. If the requirements of subsection (g) are satisfied, The legislative body of the consolidated city may adopt an ordinance approved by the mayor of the consolidated city to consolidate~~ the fire departments of the following ~~are consolidated~~ into the fire department of a consolidated city (referred

to as "the consolidated fire department"):

(1) A township for which the consolidation is approved by the township legislative body and trustee and the legislative body and mayor of the located in a county having a consolidated city.

(2) Any fire protection territory established under IC 36-8-19 that is located in a township described in subdivision (1): county having a consolidated city.

(3) The territory in which an airport authority established for a consolidated city under IC 8-22-3 may provide fire protection services.

(b) The legislative body of the consolidated city may not adopt an ordinance under subsection (a) unless the legislative body first:

(1) holds a public hearing on the proposed consolidation; and

(2) determines that:

(A) reasonable and adequate fire protection can be provided through the consolidation; and

(B) the consolidation is in the public interest.

(c) If the requirements of subsections (a) and (b) are satisfied, the following shall be submitted to the voters in a public question:

(1) The question of whether the fire departments shall be consolidated.

(2) The following two (2) options regarding the governance structure that shall apply if the fire departments are consolidated:

(A) One (1) option must provide for a permanent metropolitan board of fire commissioners with the powers and duties specified in subsection (h) concerning the consolidated fire department.

(B) The other option must provide for the consolidated fire department to be under the control and authority of the mayor as provided by law. The choice of which option shall be implemented shall be determined by the voters in a public question under subsection (g).

(d) If the requirements of subsections (a) and (b) are satisfied, the mayor of the consolidated city shall prepare and disseminate to the citizens a proposed transition plan providing for a consolidated fire department to be under the control and authority of the mayor as provided by law.

(e) If the requirements of subsections (a) and (b) are satisfied, a metropolitan board of fire commissioners is established. The board consists of the following members:

(1) The mayor of the consolidated city, who shall serve as the board's chairperson.

(2) The nine (9) township trustees in the county containing a consolidated city. If a member serving under this subdivision ceases to be a township trustee, the new township trustee becomes a member of the board in place of the previous township trustee.

(3) Two (2) members of the legislative body of the consolidated

city, who must be from different political parties, appointed by the president of the legislative body of the consolidated city.

At the board's first meeting, the members of the board shall elect a vice chairperson from among the township trustees serving on the board. Meetings of the board shall be called by the chairperson or by the vice chairperson and any two (2) other members. An affirmative vote of a majority of the members appointed to the board is required for the board to take final action. The members of the board may not receive a salary or per diem for participation on the board. The board shall prepare and disseminate a proposed transition plan providing that the board shall be a permanent body and have the powers and duties specified in subsection (h). The legislative body of the consolidated city shall provide personnel to staff the board. The legislative body shall appropriate sufficient funds to pay for attorneys hired or retained by the board. The board shall choose the attorneys that are hired or retained by the board. If the voters do not vote in favor of the board in the public question under subsection (g), the board expires June 1, 2007.

(f) If:

(1) before August 1, 2006, the legislative body adopts an ordinance under subsection (a);

(2) the mayor of the consolidated city approves the ordinance adopted under subsection (a); and

(3) the public question under subsection (g) on whether the fire department consolidation shall occur is approved;

the fire department consolidation becomes effective on January 1, 2008. However, notwithstanding any other statute, if the legislative body does not adopt an ordinance, approved by the mayor of the consolidated city, under subsection (a) before August 1, 2006, the effective date of the consolidation is not January 1, 2008, but is instead the date specified by the legislative body in the ordinance adopting the transition plan.

(g) If an ordinance providing for consolidation is adopted by the legislative body and approved by the mayor, the following public questions shall be placed on the ballot:

(1) A public question regarding approval of the fire department consolidation shall be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the public question approve the fire department consolidation, the fire department consolidation becomes effective on January 1, 2008, or the later date specified by the legislative body. If a majority of the voters voting on the public question do not approve the fire department consolidation, the requirements of this subsection are not satisfied and none of the fire departments of the townships in the county or any fire protection territory in those townships may be consolidated into the fire department of the consolidated city. The county

election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(2) A public question regarding which of the two (2) options described in subsections (c)(2) shall be implemented if the fire department consolidation is approved under subdivision (1) shall also be placed on the ballot in the county (except in an excluded city) at the May 2007 primary election. The county election board shall specify the language of the public question. If the majority of the voters voting on the public question approve the option described in subsection (c)(2)(A), the board shall be a permanent board with the powers specified in subsection (h). If the majority of the voters voting on the public question approve the option described in subsection (c)(2)(B), the consolidated fire department shall instead be under the control and authority of the mayor as provided by law. The county election board and the circuit court clerk of the county shall provide for and conduct the public question under this section. The public question under this subsection must be certified in accordance with IC 3-10-9-3 and shall be placed on the ballot in accordance with IC 3-10-9.

(h) Subject to approval of the voters in the public question under subsection (g)(2) if the fire departments are consolidated, the board established under subsection (e) and the executive of the consolidated city have the following duties and responsibilities:

(1) The board:

(A) must approve any station closings in areas formerly served by township fire departments consolidated under this section; and

(B) shall approve a plan to integrate all merit positions and safety board positions into the consolidated fire department.

The board is not authorized to approve station closings within the fire special service district. The mayor of the consolidated city must approve all station closings within the fire special service district.

(2) The board shall oversee all assets of the consolidated fire department and reallocation of assets.

(3) The board must approve all equipment purchases for the consolidated fire department and all facility purchases for the consolidated fire department.

(4) The board shall nominate three (3) candidates for fire chief of the consolidated fire department. The mayor shall select the fire chief of the consolidated fire department from the nominated candidates.

(5) The board shall permanently have the authority to appoint one (1) member to the merit commission of the consolidated fire department. A member of the merit commission appointed

under this subdivision shall replace a member appointed by the mayor of the consolidated city. Each member of the merit commission appointed under this subdivision shall serve a four (4) year term. Notwithstanding any other law, the mayor shall designate which of the mayor's appointees to the merit board is removed from the merit board and replaced by the initial member appointed under this subdivision.

(6) The controller of the consolidated city shall prepare a budget proposal for the consolidated fire department. After review and any modifications by the board, the controller shall submit the budget proposal to the legislative body of the consolidated city for approval.

(7) The board shall provide advice and make recommendations to the chief of the consolidated fire department regarding the operation of the consolidated fire department and the provision of emergency medical services.

(8) The board shall review labor agreements assumed or to be assumed by the consolidated city and make recommendations concerning labor agreements needed to integrate firefighters from all townships into the consolidated fire department.

(9) The board is a public agency for purposes of IC 5-14-1.5 and IC 5-14-3.

(10) The board shall meet at least once each month.

(11) The board shall nominate ranking officers who shall be in charge of territory formerly served by township fire departments consolidated under this section.

(12) The board shall review and approve the annual capital plan of the consolidated fire department. However, the annual capital plan of the consolidated fire department is subject to approval of the legislative body of the consolidated city as part of the consolidated city's budget.

(13) The board shall study ISO ratings throughout the county.

(14) The legislative body of the consolidated city shall include funding in the consolidated city's budget that shall be used by the board to coordinate community education programs.

If the voters under subsection (c)(1) vote in favor of the board, the board is a permanent body and shall continue to exercise its powers and carry out its duties under this subsection.

(i) If voters in the public question under subsection (g)(2) approve a consolidated fire department under the control and authority of the mayor, the consolidated fire department shall be under the control and authority of the mayor as provided by law.

(b) If the requirements of subsection (g) are satisfied; (j) Except as provided in section 6.3 of this chapter, if a consolidated fire department is established under this section, the consolidated fire department shall provide fire protection services within an entity described in subsection (a)(1) or (a)(2) in which the requirements of subsection (g) are satisfied the consolidated fire department taxing district beginning on the date agreed to in the resolution of the

township legislative body and the ordinance of the legislative body of the consolidated city. **January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city.**

**(c) (k) Except as otherwise provided,** if the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) ~~is~~ **are** consolidated into the fire department of the consolidated city, all of the property, equipment, records, rights, and contracts of the department departments consolidated into the fire department of the consolidated city are:

(1) transferred to; or

(2) assumed by;

the consolidated city on the effective date of the consolidation. However, real property other than real property used as a fire station may be transferred only on terms mutually agreed to by the legislative body and mayor of the consolidated city and the trustee and legislative body of the township in which that real property is located. **January 1, 2008, or the date specified under subsection (e) by the legislative body of the consolidated city. In the case of a building that was partially funded from sources other than taxes imposed for fire protection purposes, only that part of the building that was funded from taxes imposed for fire protection purposes and that is used by the township for fire protection purposes shall be transferred to the consolidated city. Any balance in a township's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before January 1, 2008, shall not be transferred to the consolidated city but shall be transferred first to a dedicated township fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the township has any unfunded liability for pension obligations for township firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations, the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the township before January 1, 2008. The balances in any funds established by a township for any purpose are not transferred to the consolidated city. The Emergency Services Education Center in Wayne Township shall remain the property of Wayne Township. The Emergency Services Education Center and any debt related to the Emergency Services Education Center shall not be transferred to the consolidated city.**

**(d) (l) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are** consolidated into the fire department of the consolidated city, the employees of the fire department consolidated into the fire department of the consolidated city cease employment with the department of the entity listed in subsection (a) and become employees of the consolidated fire department on the effective date of the consolidation. **January 1, 2008, or a later effective date of the consolidation specified by the legislative body of the consolidated city under subsection (e). However, an employee may not become**

an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check. The consolidated city shall assume all agreements with labor organizations that:

- (1) are in effect on the effective date of the consolidation; and
- (2) apply to employees of the department consolidated into the fire department of the consolidated city who become employees of the consolidated fire department.

(c) (m) If the requirements of subsection (g) are satisfied and the fire department departments of an entity the entities listed in subsection (a) is are consolidated into the fire department of a consolidated city, the indebtedness related to fire protection services facilities or fire protection equipment incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed, defeased, paid, or refunded by the consolidated city and may be paid from property taxes imposed by the consolidated fire department taxing district. Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the entity or a building, holding, or leasing corporation on behalf of the entity whose fire department is consolidated into the consolidated fire department under subsection (a) shall remain the debt of the entity and does not become and may not be assumed by the consolidated city. Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment, the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness. However, the consolidated city may not assume all or any part of the indebtedness that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur. The rights of the trustee and the bondholders with respect to any:

- (1) bonds or other indebtedness; or
- (2) bond resolution, trust agreement, or indenture, security agreement, purchase agreement, or other undertaking with respect to indebtedness;

remain the same, although the powers, duties, agreements, and liabilities of the entities listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all of those powers, duties, agreements, and liabilities. Indebtedness related to fire protection services that is incurred by the consolidated city before the effective date of the consolidation shall remain the debt of the consolidated city and property taxes levied to pay the debt may only be levied by the fire special service district.

(f) ~~(n)~~ If the requirements of subsection (g) are satisfied and the fire department ~~departments~~ of an entity ~~the entities~~ listed in subsection (a) ~~is are~~ consolidated into the fire department of a consolidated city, the merit board and the merit system of the fire ~~department departments~~ that ~~is are~~ consolidated are dissolved on the effective date of the consolidation, and the duties of the merit board are transferred to and assumed by the merit board for the consolidated fire department on the effective date of the consolidation.

(g) ~~A township legislative body; after approval by the township trustee; may adopt a resolution approving the consolidation of the township's fire department with the fire department of the consolidated city. A township legislative body may adopt a resolution under this subsection only after the township legislative body has held a public hearing concerning the proposed consolidation. The township legislative body shall hold the hearing not earlier than thirty (30) days after the date the resolution is introduced. The hearing shall be conducted in accordance with IC 5-14-1.5 and notice of the hearing shall be published in accordance with IC 5-3-1. If the township legislative body has adopted a resolution under this subsection; the township legislative body shall, after approval from the township trustee; forward the resolution to the legislative body of the consolidated city. If such a resolution is forwarded to the legislative body of the consolidated city and the legislative body of the consolidated city adopts an ordinance; approved by the mayor of the consolidated city; approving the consolidation of the fire department of the township into the fire department of the consolidated city; and the requirements of this subsection are satisfied. The consolidation shall take effect on the date agreed to by the township legislative body in its resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.~~

~~(h) (o)~~ The following apply if the requirements of subsection (g) are satisfied: ~~fire departments of the entities listed in subsection (a) are consolidated into the fire department of a consolidated city:~~

~~(1) The consolidation of the fire department of that township is effective on the date agreed to by the township legislative body in the resolution and by the legislative body of the consolidated city in its ordinance approving the consolidation.~~

~~(2) (1)~~ Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1977 fund before the effective date of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section;

remains a member of the 1977 fund without being required to meet the requirements under IC 36-8-8-19 and IC 36-8-8-21. The firefighter shall receive credit for any service as a member of the 1977 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-8.

~~(3) (2)~~ Notwithstanding any other provision, a firefighter:

(A) who is a member of the 1937 fund before the effective date

of a consolidation under this section; and

(B) who, after the consolidation, becomes an employee of the fire department of a consolidated city under this section; remains a member of the 1937 fund. The firefighter shall receive credit for any service as a member of the 1937 fund before the consolidation to determine the firefighter's eligibility for benefits under IC 36-8-7.

(4) For property taxes first due and payable in the year in which the consolidation is effective, the maximum permissible ad valorem property tax levy under ~~IC 6-1.1-18.5:~~

(A) is increased for the consolidated city by an amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services by the township whose fire department is consolidated into the fire department of the consolidated city under this section; and

(B) is reduced for the township whose fire department is consolidated into the fire department of the consolidated city under this section by the amount equal to the maximum permissible ad valorem property tax levy in the year preceding the year in which the consolidation is effective for fire protection and related services for the township.

(5) The amount levied in the year preceding the year in which the consolidation is effective by the township whose fire department is consolidated into the fire department of the consolidated city for the township's cumulative building and equipment fund for fire protection and related services is transferred on the effective date of the consolidation to the consolidated city's cumulative building and equipment fund for fire protection and related services, which is hereby established. The consolidated city is exempted from the requirements of ~~IC 36-8-14 and IC 6-1.1-41~~ regarding establishment of the cumulative building and equipment fund for fire protection and related services.

(6) ~~(3)~~ The local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the township **entities listed in subsection (a)** are dissolved, and their services are terminated not later than the effective date of the consolidation. The duties performed by the local boards under IC 36-8-7 and IC 36-8-8, respectively, are assumed by the consolidated city's local board for the 1937 firefighters' pension fund and local board for the 1977 police officers' and firefighters' pension and disability fund, respectively. Notwithstanding any other provision, the legislative body of the consolidated city may adopt an ordinance to adjust the membership of the consolidated city's local board to reflect the consolidation.

(7) The consolidated city may levy property taxes within the consolidated city's maximum permissible ad valorem property tax levy limit to provide for the payment of the expenses for the operation of the consolidated fire department. However, property

taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who were employees of the consolidated city at the time of the consolidation may be levied only by the fire special service district within the fire special service district. The fire special service district established under IC 36-3-1-6 may levy property taxes to provide for the payment of expenses for the operation of the consolidated fire department within the territory of the fire special service district. Property taxes to fund the pension obligation under IC 36-8-8 for members of the 1977 police officers' and firefighters' pension and disability fund who were members of the fire department of the consolidated city on the effective date of the consolidation may be levied only by the fire special service district within the fire special service district. Property taxes to fund the pension obligation for members of the 1937 firefighters fund who were not members of the fire department of the consolidated city on the effective date of the consolidation and members of the 1977 police officers' and firefighters' pension and disability fund who were not members of the fire department of the consolidated city on the effective date of the consolidation may be levied by the consolidated city within the city's maximum permissible ad valorem property tax levy. However, these taxes may be levied only within the fire special service district and any townships that have consolidated fire departments under this section.

(8) (4) The executive of the consolidated city shall provide for an independent evaluation and performance audit, due before March 1 of the year in which the consolidation is effective and before March 1 in each of the following two (2) years, to determine:

(A) the amount of any cost savings, operational efficiencies, or improved service levels; and

(B) any tax shifts among taxpayers;

that result from the consolidation. The independent evaluation and performance audit must be provided to the legislative council in an electronic format under IC 5-14-6 and to the state budget committee.

SECTION 39. IC 36-3-1-6.2, AS ADDED BY P.L.227-2005, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 6.2. (a) If a consolidated fire department is established under section 6.1 of this chapter, the consolidated city, through the consolidated fire department, shall after the consolidation establish, operate, and maintain emergency ambulance services (as defined in IC 16-18-2-107) in the fire special service district and in those townships in the county that are consolidated under section 6.1 of this chapter. **territory of the consolidated fire department taxing district.**

(b) This section does not prohibit the providing of emergency ambulance services under an interlocal agreement under IC 36-1-7.

SECTION 40. IC 36-3-1-6.3 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE

UPON PASSAGE]: Sec. 6.3. (a) A consolidated fire department may not provide fire protection services for:

(1) an excluded city; or

(2) a fire protection territory for which an excluded city is a provider unit (as defined in IC 36-8-19-3);

unless the fire protection services are provided under an interlocal agreement under IC 36-1-7 or the conditions in subsection (b) are met.

(b) For the consolidated fire department to provide fire protection services to an excluded city other than under an interlocal agreement under IC 36-1-7, all the following must occur:

(1) The legislative body of the excluded city and the city-county legislative body must adopt substantially similar ordinances authorizing the consolidation of the fire department of the excluded city into the consolidated fire department.

(2) The ordinances described in subdivision (1) must:

(A) specify the effective date of the consolidation; and

(B) set forth the conditions of the consolidation.

(c) After the effective date of the consolidation described in subsection (b), the consolidated fire department shall provide fire protection services within the territory of the excluded city.

(d) After the effective date of the consolidation described in subsection (b) and except as otherwise provided, all the property, equipment, records, rights, and contracts of the fire department of the excluded city are transferred to and assumed by the consolidated city. Any balance in an excluded city's cumulative building and equipment fund for fire protection and related services established under IC 36-8-14 before the effective date of the consolidation shall not be transferred to the consolidated city but shall be transferred first to a dedicated city fund and used to pay pension obligations under the 1937 firefighters' pension fund, if the excluded city has any unfunded liability for pension obligations for its firefighters under the 1937 firefighters' pension fund, and if any balance remains after that transfer for pension obligations the remaining balance shall be transferred to any other cumulative fund or rainy day fund established by the excluded city before the effective date of the consolidation. The balances in any funds established by an excluded city for any purpose are not transferred to the consolidated city.

(e) After the effective date of the consolidation described in subsection (b), the employees of the fire department of the excluded city cease employment with the excluded city and become employees of the consolidated fire department. These employees are not hired or rehired for purposes of IC 36-8-3.2 or IC 36-8-10.5 upon becoming employees of the consolidated fire department. The consolidated city shall assume all agreements with labor organizations that:

(1) are in effect after the effective date of the consolidation described in subsection (b); and

(2) apply to employees of the fire department of the excluded city who become employees of the consolidated fire department.

However, an employee of the excluded city may not become an employee of the consolidated fire department under this subsection unless the employee has completed a criminal history background check.

(f) Except as provided in subsection (h), the consolidated city shall assume, defease, pay, or refund all indebtedness related to fire protection facilities or fire protection equipment incurred before the effective date of the consolidation described in subsection (b) by:

(1) an excluded city; or

(2) a building, holding, or leasing corporation on behalf of an excluded city;

whose fire department is consolidated into the consolidated fire department under subsection (b). Indebtedness related to fire protection operations (excluding indebtedness related to fire protection facilities or fire protection equipment) that is incurred before the effective date of the consolidation by the excluded city whose fire department is consolidated into the consolidated fire department shall remain the debt of the excluded city and does not become and may not be assumed by the consolidated city.

(g) Notwithstanding any other law, to assume, defease, pay, or refund all or a part of the indebtedness related to fire protection facilities or fire protection equipment under subsection (f), the consolidated city is not required to comply with any other statutory procedures or approvals that apply when a unit incurs indebtedness.

(h) Notwithstanding subsections (f) and (g), the consolidated city may not assume all or a part of the indebtedness described in subsection (f) that will cause the consolidated city to exceed the limitations on the amount of indebtedness that the consolidated city may incur.

(i) The rights of the trustee and the bondholders with respect to any:

(1) indebtedness or bonds; or

(2) bond resolution, trust agreement or indenture, security agreement, purchase agreement, or other undertaking described in subsection (f);

remain the same, although the powers, duties, agreements, and liabilities of the departments listed in subsection (a) have been transferred to the consolidated city, and the consolidated city shall be considered to have assumed all those powers, duties, agreements, and liabilities.

(j) Whenever an excluded city consolidates its fire department into the consolidated fire department under subsection (b), the local boards for the 1937 firefighters' pension fund and the 1977 police officers' and firefighters' pension and disability fund of the

1 excluded city are dissolved, and their services are terminated not  
 2 later than the effective date of the consolidation. The duties  
 3 performed by the local boards under IC 36-8-7 and IC 36-8-8,  
 4 respectively, are assumed by the consolidated city's local board for  
 5 the 1937 firefighters' pension fund and local board for the 1977  
 6 police officers' and firefighters' pension and disability fund,  
 7 respectively.

8 (k) Whenever an excluded city consolidates its fire department  
 9 into the consolidated fire department under subsection (b), the  
 10 merit board and merit system of the excluded city's fire  
 11 department are dissolved, and the duties of the excluded city's  
 12 merit board are transferred to and assumed by the merit board for  
 13 the consolidated fire department.

14 (l) Whenever an excluded city consolidates its fire department  
 15 into the consolidated fire department under subsection (b),  
 16 commencing with the calendar year following consolidation and for  
 17 each year thereafter, the excluded city's monthly distributive share  
 18 of county option income tax revenues distributed under  
 19 IC 6-3.5-6-18.5 shall be reduced by a percentage set forth in the  
 20 ordinances adopted under subsection (b), and those revenues shall  
 21 instead be distributed to the consolidated fire department taxing  
 22 district and deposited in the consolidated fire department taxing  
 23 district fund.

24 SECTION 41. IC 36-3-1-6.4 IS ADDED TO THE INDIANA CODE  
 25 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE  
 26 UPON PASSAGE]: Sec. 6.4. (a) This section applies only to a  
 27 county having a consolidated city and only if a consolidated fire  
 28 department is established in the county under section 6.1 of this  
 29 chapter.

30 (b) As used in this section, "taxing district" refers to the  
 31 consolidated fire department taxing district established in  
 32 subsection (c).

33 (c) If a consolidated fire department is established under section  
 34 6.1 of this chapter, the consolidated fire department taxing district  
 35 is established in the county. The taxing district consists of all  
 36 territory in the county except territory of an excluded city that has  
 37 not consolidated its fire department under section 6.3 of this  
 38 chapter.

39 (d) Subject to subsection (f), the taxing district shall levy a  
 40 property tax within the territory of the taxing district to pay for  
 41 the following:

42 (1) Providing fire protection services and emergency  
 43 ambulance services within the territory of the taxing district  
 44 and providing for the operation of the consolidated fire  
 45 department.

46 (2) Providing any equipment, buildings, or land that is  
 47 necessary for the consolidated fire department and for  
 48 providing fire protection services and emergency ambulance  
 49 services within the territory of the taxing district.

The property tax levy under this section is separate from other property tax levies of the consolidated city, and a separate maximum permissible property tax levy shall be collected for the taxing district. All revenue collected from the tax levied under this subsection shall be deposited in a consolidated fire department fund.

(e) Subject to subsection (f), the taxing district shall levy a property tax within the territory of the taxing district to pay for the following:

(1) Any indebtedness related to fire protection facilities or fire protection equipment assumed, defeased, paid, or refunded under section 6.1 or 6.3 of this chapter.

(2) Any indebtedness issued by the consolidated city, either before or after the consolidated fire department is established, to pay for fire protection services, emergency services, or equipment, buildings, or land related to fire protection services or emergency medical services.

The property tax levy collected under this subsection shall be deposited in a consolidated fire department debt service fund.

(f) This subsection applies only during the first four (4) calendar years that the taxing district levies a property tax under this section. Notwithstanding any other statute, the total property tax rate imposed by the taxing district for a year in those parts of the taxing district that are within a particular township, but not within the boundaries of the fire special service district, may not exceed the total property tax rate imposed by the township (and a fire protection territory in the township) for fire protection services (including property taxes imposed for debt related to fire protection services) in the year preceding the year in which the taxing district first levies a property tax under this section.

(g) Money in the consolidated fire department fund shall be used for the purposes described in subsection (d), and money in the consolidated fire department debt service fund shall be used for the purposes described in subsection (e). The controller of the consolidated city shall administer the funds and is responsible for the issuance of warrants for payments from the funds.

(h) Property taxes to fund the pension obligation under IC 36-8-7 for members of the 1937 firefighters fund who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city may be levied only by the fire special service district created by section 6 of this chapter within the territory of the fire special service district and may not be levied by the taxing district.

(i) In the case of a township or an excluded city that consolidates its fire department under this section:

(1) the liability for the payment of pension obligations under IC 36-8-7 for members of the 1937 firefighters fund who are

employees or retired employees of the township or excluded city at the time of the consolidation remains with the township or excluded city; and

(2) property taxes to fund the township's or excluded city's pension obligation described in subdivision (1) may be imposed by the township or excluded city only within the township or excluded city.

(j) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy of the taxing district under IC 6-1.1-18.5 is equal to the sum of:

(1) the sum of the property tax levies for taxes first due and payable in the preceding year for fire protection and related services (excluding debt) by each:

(A) township;

(B) airport authority; or

(C) fire protection territory;

whose fire department is consolidated into the fire department of the consolidated city under section 6.1 of this chapter, excluding amounts paid for pension obligations under IC 36-8-7 for members of the 1937 firefighters fund;

(2) the amount paid from the consolidated city's property tax levy during the preceding year for fire protection and related services (excluding debt); and

(3) the amount paid from the fire special service district's property tax levy during the preceding year for fire protection and related services, excluding amounts paid from the fire special service district's property tax levy to pay the consolidated city's pension obligation under IC 36-8-7 for members of the 1937 firefighters' pension fund.

However, the department of local government finance shall adjust any budgets, tax rates, and tax levies of the consolidated city, townships in the county, the taxing district, excluded cities that have consolidated fire departments under section 6.3 of this chapter, and the airport authority as necessary to reflect the establishment of a consolidated fire department.

(k) For property taxes first due and payable in the first calendar year in which property taxes are imposed under this section in the taxing district, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is decreased for each township, the airport authority, and any fire protection territory by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(1) from the township, airport authority, or fire protection territory;

(2) is decreased for the consolidated city by the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(2); and

(3) is decreased for the fire special service district by an amount equal to the amount included in the taxing district's maximum permissible ad valorem property tax levy under subsection (j)(3).

(l) The maximum levy for a consolidated city is increased for property taxes first due and payable in the year that property taxes are first imposed under this section and each subsequent calendar year by an amount equal to the lesser of:

(1) the difference between:

(A) the maximum levy for the current year for the consolidated city's fire special service district created under section 6 of this chapter; and

(B) the amount levied for the current year for the fire special service district; or

(2) ten percent (10%) of the maximum levy for the consolidated city's fire special service district created under section 6 of this chapter for property taxes first due and payable in the year that property taxes are first imposed under this section.

SECTION 42. IC 36-3-2-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 3.5. (a) This section applies if:

(1) a township fire department, fire protection district, or fire protection territory is consolidated into the fire department of a consolidated city under IC 36-3-1-6.1; and

(2) the township fire department, fire protection district, or fire protection territory has at least one (1) full-time, fully paid firefighter.

(b) A firefighter described in subsection (a)(2) is entitled to employment as a full-time, fully paid firefighter of the fire department of the consolidated city at not less than:

(1) the same merit or permanent rank; or

(2) a rank in the merit system of the fire department of a consolidated city that is equivalent to the merit or permanent rank;

that the firefighter held on the later of the date this section was enacted into law or the date the firefighter fills a vacant position through a merit testing process. Ranks achieved after the passage of Senate Enrolled Act 1 of the 2006 regular session of the general assembly may be reviewed by the merit board to determine if those ranks were achieved through a bona fide merit process.

(c) The fire department of:

(1) the consolidated city; and

(2) the township, fire protection district, or fire protection territory;

may not reduce or terminate the employment or benefits of a full-time, fully paid firefighter who is employed before the effective date of the consolidation because of or to facilitate the consolidation, except as negotiated in an agreement between the

consolidated city and the bargaining unit representing firefighters.

(d) This section does not prohibit a fire department, fire protection district, or fire protection territory from taking disciplinary action for cause against a full-time, fully paid firefighter, including suspending, reducing in rank, or discharging the firefighter.

(e) This section does not apply to a firefighter employed by the airport authority on the effective date of the consolidation.

SECTION 43. IC 36-3-2-12 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 12. (a) This section applies after June 30, 2006. This section applies to all political subdivisions in Marion County.

(b) As used in this section, "relative" means:

- (1) a husband;
- (2) a wife;
- (3) a father;
- (4) a mother;
- (5) a son or son-in-law;
- (6) a daughter or daughter-in-law;
- (7) a brother;
- (8) a sister;
- (9) an aunt;
- (10) an uncle;
- (11) a niece; or
- (12) a nephew.

(c) An individual who is a relative of a member of a board, committee, council, or commission or the head of any office, department, or institution may not:

- (1) be employed in any position with the:
  - (A) board, committee, council, or commission of which the individual's relative is a member; or
  - (B) office, department, or institution that is headed by the individual's relative; or
- (2) receive any compensation as an employee for services from any appropriation by a political subdivision subject to this chapter.

(d) An individual may not be employed in a position in which the individual would have a direct supervisory or subordinate relationship with the individual's relative.

(e) This section does not apply to the following:

- (1) An individual employed in the same position with the board, committee, council, commission, office, department, or institution for at least twelve (12) consecutive months immediately before the appointment or election of the individual's relative as a member of the board, committee, council, or commission or head of the office, department, or institution.
- (2) The employment of any law enforcement officer or

1 firefighter who is under the jurisdiction of a merit commission  
2 established under IC 36-8-3.5.

3 **(f) This section does not require the termination or reassignment**  
4 **of any employee of a political subdivision from any position held by**  
5 **that individual on and continuously after June 30, 2006.**

6 SECTION 44. IC 36-3-5-2.7, AS ADDED BY P.L.227-2005,  
7 SECTION 24, IS AMENDED TO READ AS FOLLOWS  
8 [EFFECTIVE UPON PASSAGE]: Sec. 2.7. (a) The office of finance  
9 and management is established and is responsible for:

- 10 (1) budgeting, except as provided in subsection (c);
- 11 (2) financial reporting and audits;
- 12 (3) purchasing; and
- 13 (4) fixed assets;

14 for all city and county departments, offices, and agencies.

15 (b) The controller:

- 16 (1) serves as the director of; and
- 17 (2) may organize into divisions;

18 the office of finance and management.

19 (c) The office of finance and management is not responsible for the  
20 issuance of warrants for payments from county and city funds. **A**  
21 **person may not sign or imprint the signature of the county auditor**  
22 **on, or affix the signature of the county auditor to, any warrant for**  
23 **the payment of county or city funds without the approval of the**  
24 **county auditor.**

25 SECTION 45. IC 36-3-5-2.8, AS ADDED BY P.L.227-2005,  
26 SECTION 25, IS AMENDED TO READ AS FOLLOWS  
27 [EFFECTIVE UPON PASSAGE]: Sec. 2.8. (a) Except as provided in  
28 subsections (b), ~~and~~ (c), **(d), and (e)**, the controller:

- 29 (1) has all the powers; and
- 30 (2) performs all the duties;

31 of the county auditor under law.

32 (b) The controller:

- 33 (1) does not have the powers; and
- 34 (2) may not perform the duties;

35 of the county auditor under IC 36-2-9.5 and IC 36-3-6, or as a member  
36 of the board of commissioners of the county under IC 36-3-3-10.

37 (c) Notwithstanding subsection (a) or any other law, the executive,  
38 with the approval of the legislative body, may allocate the duties of the  
39 county auditor, except the duties referred to in subsection (b), among:

- 40 (1) the controller;
- 41 (2) the county assessor;
- 42 (3) the county auditor; or
- 43 (4) other appropriate city or county officials.

44 **(d) The county auditor is responsible for the payroll functions**  
45 **and duties for all city and county departments, offices, and**  
46 **agencies, and the controller may not perform these functions and**  
47 **duties, except as requested by the county auditor.**

48 **(e) The approval of the controller is not required for a human**  
49 **resources policy or personnel policy established under IC 36-3-7-6**

by an elected county officer.

SECTION 46. IC 36-3-6-4.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 4.1. Notwithstanding IC 36-8-7, if a consolidated fire department is established under IC 36-3-1-6.1, the city-county legislative body shall adopt an ordinance to levy a property tax only within the fire special service district in the amount and at the rate necessary to produce sufficient revenue to pay amounts required to satisfy the consolidated city's 1937 firefighters' pension fund obligations under IC 36-8-7-14 for persons who are employees or retired employees of the consolidated city on the later of December 31, 2007, or the day preceding the effective date of the consolidation specified under IC 36-3-1-6.1 by the legislative body of the consolidated city.**

SECTION 47. IC 36-3-7-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 6. Each elected county officer is responsible for establishing the human resources policies and personnel policies that apply to employees of the county officer. An elected county officer may establish these policies without the approval of any other person, except for approval of the county legislative body required under IC 36-3-6 for compensation of employees.**

SECTION 48. IC 36-3-7-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.1, in the name of:**

(1) a township;  
 (2) an airport authority;  
 (3) a fire protection territory; or  
 (4) a building, holding, or leasing corporation on behalf of a township, an airport authority, or a fire protection territory;  
**to satisfy the requirements of IC 36-3-1-6.1.**

**(b) Notwithstanding any other law, the consolidated city may issue obligations to refund obligations issued before the effective date of a consolidation under IC 36-3-1-6.3 by:**

(1) an excluded city; or  
 (2) a building, holding, or leasing corporation on behalf of an excluded city;  
**to satisfy the requirements of IC 36-3-1-6.3.**

SECTION 49. IC 36-3-8 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

**Chapter 8. Township Review Board**

**Sec. 1. This chapter applies only to a county containing a consolidated city.**

**Sec. 2. As used in this chapter, "board" refers to the township**

review board established by section 3 of this chapter.

**Sec. 3. The township review board is established.**

**Sec. 4. (a) The board consists of the following members:**

(1) The deputy mayor for public and neighborhood affairs of the consolidated city.

(2) The township trustee of each of the nine (9) townships in the county.

(3) Two (2) members, who must represent different political parties, appointed by the president of the city-county council.

(4) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Marion County Alliance of Neighborhood Associations.

(5) One (1) member appointed by the mayor of the consolidated city upon the recommendation of the president of the Greater Indianapolis Chamber of Commerce.

(6) One (1) member appointed by the secretary of the Indiana family and social services administration.

(b) An appointing authority must make appointments under subsection (a) not later than July 1, 2006.

(c) The deputy mayor for public and neighborhood affairs must call the first meeting of the board before August 1, 2006. At the first meeting of the board, the members of the board shall elect a chairperson.

(d) If a member ceases to be employed in the position or hold the office required for appointment to the board, the member ceases to be a member of the board, and the original appointing authority shall appoint an individual to serve on the board for the remainder of the board's term.

**Sec. 5. (a) A majority of the members appointed to and serving on the board constitutes a quorum for a meeting of the board.**

(b) The affirmative vote of a majority of the members appointed to and serving on the board is necessary for the board to take official action.

(c) The board shall meet on the call of the chairperson.

**Sec. 6. Members of the board are not entitled to any salary or per diem for participation on the board.**

**Sec. 7. The board shall do the following:**

(1) Conduct field studies and audits to determine how best to serve constituents throughout the county after the consolidation, joint performance, or transfer of city, county, and township functions, taking into account the efficiencies that may be achieved.

(2) Make recommendations concerning the number and location of community resource centers in the county.

(3) Identify city and township services that may be provided jointly or through interlocal cooperation agreements, and make recommendations concerning the joint location of those services with other federal, state, or local government agencies.

(4) Identify which of the services provided by the township trustees or recommended to be transferred to township trustees may be located in the community resource centers.

(5) Develop a community education plan to familiarize citizens with the provision of services by various methods throughout the county.

(6) Review functions performed in the county by township trustees under IC 36-6-4-3 and make recommendations concerning any statutory changes necessary to achieve greater efficiency and lower costs in the provision of those services.

(7) Identify any services performed by the state under IC 12-8 that should be transferred to or administered jointly with townships in the county.

(8) Review the operation of small claims courts in the county.

(9) Study and make recommendations concerning the role and composition of the existing township board structure.

(10) Provide a report before December 31 of each year to the legislative body of the county containing a consolidated city and in an electronic format under IC 5-14-6 to the legislative council.

**Sec. 8. (a) The board is abolished December 31, 2008.**

**(b) This chapter expires January 1, 2009.**

SECTION 50. IC 36-6-4-3, AS AMENDED BY P.L.73-2005, SECTION 173, AND AS AMENDED BY P.L.227-2005, SECTION 36, IS CORRECTED AND AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. The executive shall do the following:

(1) Keep a written record of official proceedings.

(2) Manage all township property interests.

(3) Keep township records open for public inspection.

(4) Attend all meetings of the township legislative body.

(5) Receive and pay out township funds.

(6) Examine and settle all accounts and demands chargeable against the township.

(7) Administer ~~poor relief~~ township assistance under IC 12-20 and IC 12-30-4.

(8) Perform the duties of fence viewer under IC 32-26, **except in a township that is located in a county having a consolidated city as provided in IC 32-26-9.**

(9) Act as township assessor when required by IC 36-6-5.

(10) Provide and maintain cemeteries under IC 23-14.

(11) Provide fire protection under IC 36-8, *except in a township that:*

*(A) is located in a county having a consolidated city; and*

*(B) consolidated the township's fire department under IC 36-3-1-6.1.*

(12) File an annual personnel report under IC 5-11-13.

(13) Provide and maintain township parks and community centers

under IC 36-10, **except in a township that is located in a county having a consolidated city.**

(14) Destroy detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4, **except in a township that is located in a county having a consolidated city.**

(15) Provide insulin to the poor under IC 12-20-16.

(16) Perform other duties prescribed by statute.

SECTION 51. IC 36-6-4-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 8. (a) The executive may use the township's share of state, county, and township tax revenues and federal revenue sharing funds for all categories of community services, if these funds are appropriated for these services by the township legislative body. The executive may use these funds for both operating and capital expenditures.

(b) With the consent of the township legislative body, the executive may contract with corporations for health and community services not specifically provided by another governmental entity.

(c) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1**, the executive may contract with a private person to provide regular or emergency ambulance service within the township. The contract may provide for the imposition and collection of fees for this service.

(d) **Except in a township located in a county having a consolidated city after the effective date of the consolidation of fire departments under IC 36-3-1-6.1**, the township legislative body may adopt a resolution to provide for the imposition and collection of fees for ambulance services provided by the township police or fire department.

SECTION 52. IC 36-6-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 3. **(a) Except as provided in subsection (b)**, the assessor shall perform the duties prescribed by statute, including:

(1) assessment duties prescribed by IC 6-1.1; and

(2) administration of the dog tax and dog fund, as prescribed by IC 15-5-9.

**(b) In a township located in a county having a consolidated city, the duties of the township assessor prescribed by IC 15-5-9 are performed by the controller of the consolidated city or the controller's designee.**

SECTION 53. IC 36-6-6-2, AS AMENDED BY P.L.240-2005, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 2. (a) Except as provided in subsection (b) and section 2.1 of this chapter, a three (3) member township board shall be elected under IC 3-10-2-13 by the voters of each township.

(b) The township board in a county containing a consolidated city shall consist of ~~seven (7)~~ **five (5)** members elected under IC 3-10-2-13 by the voters of each township.

(c) The township board is the township legislative body.

(d) The term of office of a township board member is four (4) years, beginning January 1 after election and continuing until a successor is elected and qualified.

SECTION 54. IC 36-8-4.3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to a police ~~or fire~~ special service district created by IC 36-3-1-6 **and to a consolidated fire department established under IC 36-3-1-6.1.**

SECTION 55. IC 36-8-4.3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** shall pay for the care of:

(1) a full-time, paid police officer who:

(A) suffers an injury; or

(B) contracts an illness;

during the performance of the officer's duty; or

(2) a full-time, paid firefighter who:

(A) suffers an injury; or

(B) contracts an illness;

during the performance of the firefighter's duty.

(b) The special service district **or the consolidated fire department established under IC 36-3-1-6.1** shall pay for the following expenses incurred by a police officer or firefighter described in subsection (a):

(1) Medical and surgical care.

(2) Medicines and laboratory, curative, and palliative agents and means.

(3) X-ray, diagnostic, and therapeutic service, including during the recovery period.

(4) Hospital and special nursing care if the physician or surgeon in charge considers it necessary for proper recovery.

(c) Expenditures required by subsection (a) shall be paid from the general fund of the special service district.

(d) A special service district **or a consolidated fire department established under IC 36-3-1-6.1** that has paid for the care of a police officer or firefighter under subsection (a) has a cause of action for reimbursement of the amount paid under subsection (a) against any third party against whom the police officer or firefighter has a cause of action for an injury sustained because of, or an illness caused by, the third party. The special service district's **or consolidated fire department's** cause of action under this subsection is in addition to, and not in lieu of, the cause of action of the police officer or firefighter against the third party.

SECTION 56. IC 36-8-8-1, AS AMENDED BY P.L.227-2005, SECTION 46, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to:

(1) full-time police officers hired or rehired after April 30, 1977, in all municipalities, or who converted their benefits under IC 19-1-17.8-7 (repealed September 1, 1981);

(2) full-time fully paid firefighters hired or rehired after April 30,

1977, or who converted their benefits under IC 19-1-36.5-7 (repealed September 1, 1981);

(3) a police matron hired or rehired after April 30, 1977, and before July 1, 1996, who is a member of a police department in a second or third class city on March 31, 1996;

(4) a park ranger who:

(A) completed at least the number of weeks of training at the Indiana law enforcement academy or a comparable law enforcement academy in another state that were required at the time the park ranger attended the Indiana law enforcement academy or the law enforcement academy in another state;

(B) graduated from the Indiana law enforcement academy or a comparable law enforcement academy in another state; and

(C) is employed by the parks department of a city having a population of more than one hundred twenty thousand (120,000) but less than one hundred fifty thousand (150,000);

(5) a full-time fully paid firefighter who is covered by this chapter before the effective date of consolidation and becomes a member of the fire department of a consolidated city under IC 36-3-1-6.1 ~~provided that or IC 36-3-1-6.3; however,~~ the firefighter's service as a member of the fire department of a consolidated city is considered active service under this chapter;

(6) except as otherwise provided, a full-time fully paid firefighter who is hired or rehired after the effective date of the consolidation by a consolidated fire department established under IC 36-3-1-6.1;

(7) a full-time police officer who is covered by this chapter before the effective date of consolidation and becomes a member of the consolidated law enforcement department as part of the consolidation under IC 36-3-1-5.1, provided that the officer's service as a member of the consolidated law enforcement department is considered active service under this chapter; and

(8) except as otherwise provided, a full-time police officer who is hired or rehired after the effective date of the consolidation by a consolidated law enforcement department established under IC 36-3-1-5.1;

except as provided by section 7 of this chapter.

SECTION 57. IC 36-8-8-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2.1. (a) As used in this chapter, "local board" means the following:

(1) For a unit that established a 1925 fund for its police officers, the local board described in IC 36-8-6-2.

(2) **Except as provided in subdivision (3),** for a unit that established a 1937 fund for its firefighters, the local board described in IC 36-8-7-3.

**(3) For a unit that established a 1937 fund for its firefighters and consolidates its fire department into the fire department of a consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3:**

**(A) before the date the consolidation is effective, the local board described in IC 36-8-7-3; and**

**(B) on and after the date the consolidation is effective, the local board of the consolidated city established under IC 36-8-7-3.**

~~(3)~~ **(4)** For a consolidated city that established a 1953 fund for its police officers, the local board described in IC 36-8-7.5-2.

~~(4)~~ **(5)** For a unit, other than a consolidated city, that did not establish a 1925 fund for its police officers or a 1937 fund for its firefighters, the local board described in subsection (b) or (c).

(b) If a unit did not establish a 1925 fund for its police officers, a local board shall be composed in the same manner described in IC 36-8-6-2(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

(c) **Except as provided in subsection (d)**, if a unit did not establish a 1937 fund for its firefighters, a local board shall be composed in the same manner described in IC 36-8-7-3(b). However, if there is not a retired member of the department, no one shall be appointed to that position until such time as there is a retired member.

**(d) If a unit located in a county containing a consolidated city did not establish a 1937 fund for its firefighters and consolidates its fire department into the fire department of the consolidated city under IC 36-3-1-6.1 or IC 36-3-1-6.3, the local board is:**

**(1) before the effective date of the consolidation, the local board described in IC 36-8-7-3; and**

**(2) on and after the effective date of the consolidation, the local board of the consolidated city established under IC 36-8-7-3.**

SECTION 58. IC 36-8-8-7, AS AMENDED BY HEA 1040-2006, SECTION 575, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 7. (a) Except as provided in subsections (d), (e), (f), (g), (h), (k), (l), and (m):

(1) a police officer; or

(2) a firefighter;

who is less than thirty-six (36) years of age and who passes the baseline statewide physical and mental examinations required under section 19 of this chapter shall be a member of the 1977 fund and is not a member of the 1925 fund, the 1937 fund, or the 1953 fund.

(b) A police officer or firefighter with service before May 1, 1977, who is hired or rehired after April 30, 1977, may receive credit under this chapter for service as a police officer or firefighter prior to entry into the 1977 fund if the employer who rehires the police officer or firefighter chooses to contribute to the 1977 fund the amount necessary to amortize the police officer's or firefighter's prior service liability over a period of not more than forty (40) years, the amount and the period to be determined by the PERF board. If the employer chooses to make the contributions, the police officer or firefighter is entitled to receive credit for the police officer's or firefighter's prior years of service without making contributions to the 1977 fund for that prior service. In no event may a police officer or firefighter receive credit for prior years of

1 service if the police officer or firefighter is receiving a benefit or is  
 2 entitled to receive a benefit in the future from any other public pension  
 3 plan with respect to the prior years of service.

4 (c) Except as provided in section 18 of this chapter, a police officer  
 5 or firefighter is entitled to credit for all years of service after April 30,  
 6 1977, with the police or fire department of an employer covered by this  
 7 chapter.

8 (d) A police officer or firefighter with twenty (20) years of service  
 9 does not become a member of the 1977 fund and is not covered by this  
 10 chapter, if the police officer or firefighter:

11 (1) was hired before May 1, 1977;

12 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 13 of which were repealed September 1, 1981); and

14 (3) is rehired after April 30, 1977, by the same employer.

15 (e) A police officer or firefighter does not become a member of the  
 16 1977 fund and is not covered by this chapter if the police officer or  
 17 firefighter:

18 (1) was hired before May 1, 1977;

19 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 20 of which were repealed September 1, 1981);

21 (3) was rehired after April 30, 1977, but before February 1, 1979;  
 22 and

23 (4) was made, before February 1, 1979, a member of a 1925,  
 24 1937, or 1953 fund.

25 (f) A police officer or firefighter does not become a member of the  
 26 1977 fund and is not covered by this chapter if the police officer or  
 27 firefighter:

28 (1) was hired by the police or fire department of a unit before May  
 29 1, 1977;

30 (2) did not convert under IC 19-1-17.8-7 or IC 19-1-36.5-7 (both  
 31 of which were repealed September 1, 1981);

32 (3) is rehired by the police or fire department of another unit after  
 33 December 31, 1981; and

34 (4) is made, by the fiscal body of the other unit after December 31,  
 35 1981, a member of a 1925, 1937, or 1953 fund of the other unit.

36 If the police officer or firefighter is made a member of a 1925, 1937, or  
 37 1953 fund, the police officer or firefighter is entitled to receive credit for  
 38 all the police officer's or firefighter's years of service, including years  
 39 before January 1, 1982.

40 (g) As used in this subsection, "emergency medical services" and  
 41 "emergency medical technician" have the meanings set forth in  
 42 IC 16-18-2-110 and IC 16-18-2-112. A firefighter who:

43 (1) is employed by a unit that is participating in the 1977 fund;

44 (2) was employed as an emergency medical technician by a  
 45 political subdivision wholly or partially within the department's  
 46 jurisdiction;

47 (3) was a member of the public employees' retirement fund during  
 48 the employment described in subdivision (2); and

49 (4) ceased employment with the political subdivision and was

1 hired by the unit's fire department due to the reorganization of  
 2 emergency medical services within the department's jurisdiction;  
 3 shall participate in the 1977 fund. A firefighter who participates in the  
 4 1977 fund under this subsection is subject to sections 18 and 21 of this  
 5 chapter.

6 (h) A police officer or firefighter does not become a member of the  
 7 1977 fund and is not covered by this chapter if the individual was  
 8 appointed as:

9 (1) a fire chief under a waiver under IC 36-8-4-6(c); or

10 (2) a police chief under a waiver under IC 36-8-4-6.5(c);

11 unless the executive of the unit requests that the 1977 fund accept the  
 12 individual in the 1977 fund and the individual previously was a member  
 13 of the 1977 fund.

14 (i) A police matron hired or rehired after April 30, 1977, and before  
 15 July 1, 1996, who is a member of a police department in a second or  
 16 third class city on March 31, 1996, is a member of the 1977 fund.

17 (j) A park ranger who:

18 (1) completed at least the number of weeks of training at the  
 19 Indiana law enforcement academy or a comparable law  
 20 enforcement academy in another state that were required at the  
 21 time the park ranger attended the Indiana law enforcement  
 22 academy or the law enforcement academy in another state;

23 (2) graduated from the Indiana law enforcement academy or a  
 24 comparable law enforcement academy in another state; and

25 (3) is employed by the parks department of a city having a  
 26 population of more than one hundred twenty thousand (120,000)  
 27 but less than one hundred fifty thousand (150,000);

28 is a member of the fund.

29 (k) Notwithstanding any other provision of this chapter, a police  
 30 officer or firefighter:

31 (1) who is a member of the 1977 fund before a consolidation  
 32 under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;**

33 (2) whose employer is consolidated into the consolidated law  
 34 enforcement department or the fire department of a consolidated  
 35 city under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or IC 36-3-1-6.3;** and

36 (3) who, after the consolidation, becomes an employee of the  
 37 consolidated law enforcement department or the consolidated fire  
 38 department under IC 36-3-1-5.1, ~~or~~ IC 36-3-1-6.1, **or**  
 39 **IC 36-3-1-6.3;**

40 is a member of the 1977 fund without meeting the requirements under  
 41 sections 19 and 21 of this chapter.

42 (l) Notwithstanding any other provision of this chapter, if:

43 (1) before a consolidation under IC 8-22-3-11.6 a police officer or  
 44 firefighter provides law enforcement services or fire protection  
 45 services for an entity in a consolidated city;

46 (2) the provision of those services is consolidated into the  
 47 **consolidated** law enforcement department or **the** fire department  
 48 of a consolidated city **under IC 36-3-1-5.1 or IC 36-3-1-6.1;** and

49 (3) after the consolidation, the police officer or firefighter becomes

an employee of the consolidated law enforcement department or the consolidated fire department under IC 8-22-3-11.6; the police officer or firefighter is a member of the 1977 fund without meeting the requirements under sections 19 and 21 of this chapter.

(m) A police officer or firefighter who is a member of the 1977 fund under subsection (k) or (l):

(1) may not be:

(~~1~~) (A) retired for purposes of section 10 of this chapter; or

(~~2~~) (B) disabled for purposes of section 12 of this chapter;

solely because of a change in employer under the consolidation;

and

(2) shall receive credit for all years of service as a member of the 1977 fund before the consolidation described in subsection (k) or (l).

SECTION 59. IC 36-8-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 1. This chapter applies to all units except counties. **However, this chapter applies to a county containing a consolidated city if a consolidated fire department is established under IC 36-3-1-6.1.**

SECTION 60. IC 36-8-14-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To provide for the cumulative building and equipment fund established under this chapter, the legislative body may levy a tax on all taxable property within the ~~taxing district unit, fire protection district, or territory of~~ **a consolidated fire department taxing district** in compliance with IC 6-1.1-41. The tax rate may not exceed three and thirty-three hundredths cents (\$0.0333) on each one hundred dollars (\$100) of assessed valuation of property in the ~~taxing district unit, fire protection district, or consolidated fire department taxing district.~~

(b) As the tax is collected, it shall be deposited in a qualified public depository or depositories and held in a special fund to be known as:

(1) the "building or remodeling, firefighting, and police radio equipment fund" in the case of a municipality **or consolidated fire department taxing district; or as**

(2) the "building or remodeling and fire equipment fund" in the case of a township or fire protection district.

(c) **Notwithstanding IC 6-1.1-41 or any other law, if a consolidated fire department is established under IC 36-3-1-6.1:**

(1) a cumulative building and equipment fund is established for the county containing a consolidated city; and

(2) the legislative body of the county containing a consolidated city may levy a tax under this chapter beginning in the calendar year following the year in which the consolidated fire department is established.

**A tax levied under this chapter by a county containing a consolidated city may only be levied within the territory of the consolidated fire department taxing district.**

SECTION 61. IC 36-10-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. (a) **Except as**

provided in subsection (b), this chapter applies to the townships indicated in each section.

**(b) After December 31, 2006:**

**(1) this chapter does not apply to a township in a county having a consolidated city; and**

**(2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 62. IC 36-10-7.5-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2007]: Sec. 1. **(a) Except as provided in subsection (b), this chapter applies to all townships: a township.**

**(b) After December 31, 2006:**

**(1) this chapter does not apply to a township in a county having a consolidated city; and**

**(2) all powers and duties related to parks and recreation of the townships shall be transferred to the consolidated city.**

SECTION 63. [EFFECTIVE JULY 1, 2006] **(a) This SECTION applies only to a township in a county having a consolidated city.**

**(b) IC 36-6-6-2, as amended by this act, does not affect the term of a township legislative body member that expires on January 1, 2009.**

**(c) After June 30, 2006, a township legislative body shall adopt a resolution under IC 36-6-6-2.5, dividing the township into five (5) legislative body districts in accordance with IC 36-6-6-2, as amended by this act. A five (5) member township legislative body shall be elected in accordance with IC 36-6-6-2, as amended by this act, at the 2008 general election.**

**(d) This SECTION expires January 1, 2009.**

SECTION 64. [EFFECTIVE JANUARY 1, 2007] **(a) All assets, property rights, equipment, records, personnel, and contracts and all else connected with:**

**(1) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;**

**(2) administering the dog tax and dog fund under IC 15-5-9;**

**(3) performing duties regarding fences under IC 32-26; and**

**(4) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4;**

**by a township in a county having a consolidated city are transferred to the consolidated city on January 1, 2007.**

**(b) Any indebtedness regarding the activities set forth in subsection (a)(1) through (a)(5) that was incurred by a township before January 1, 2007, shall be assumed or defeased by the consolidated city, notwithstanding any other provision of Indiana law requiring completion of certain procedures and approvals for the incurrence of indebtedness; however, the indebtedness (or any part of the indebtedness) may not be assumed by the consolidated city if the assumption would cause the consolidated city to exceed any limitation on the amount of indebtedness that may be incurred by the consolidated city.**

(c) The ad valorem property tax levy limits imposed by IC 6-1.1-18.5 do not apply to ad valorem property taxes imposed by a consolidated city to pay or fund any indebtedness assumed, defeased, paid, or refunded under subsection (b).

SECTION 65. [EFFECTIVE JULY 1, 2006] (a) For property taxes first due and payable in 2007, the maximum permissible ad valorem property tax levy under IC 6-1.1-18.5:

(1) is increased for a consolidated city by the amount levied in 2006 by each township in the county having a consolidated city for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4; and

(2) is reduced for a township in a county having a consolidated city by the amount levied in 2006 for:

(A) providing and maintaining parks and community centers under IC 36-10-7 and IC 36-10-7.5;

(B) administering the dog tax and dog fund under IC 15-5-9;

(C) performing duties regarding fences under IC 32-26; and

(D) destroying detrimental plants, noxious weeds, and rank vegetation under IC 15-3-4.

(b) This SECTION expires January 1, 2008.

SECTION 66. [EFFECTIVE UPON PASSAGE] The general assembly finds that the consolidated city and townships in the county containing a consolidated city are unique because of their size, population density, and absence of unincorporated areas.

SECTION 67. [EFFECTIVE UPON PASSAGE] The legislative services agency shall prepare legislation for introduction in the 2007 regular session of the general assembly to organize and correct statutes affected by this act, if necessary.

SECTION 68. An emergency is declared for this act.

Renumber all SECTIONS consecutively.

(Reference is to ESB 1 as reprinted March 2, 2006.)

**Conference Committee Report**  
**on**  
**Engrossed Senate Bill 1**

**S**igned by:

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Senator Young R Michael  
Chairperson

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Representative Buck

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Senator Lawson C

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Representative Hoffman

**Senate Conferees**

**House Conferees**